...UED THURSDAY, 14TH OCTOBER, 1920.

...EALTH OF AUSTRALIA.

...ENTARY DEBATES.

... SESSION, 1920.

CONTENTS.

PRICE, including Postage, 2s. 6d. per annum, or 2d. per number. Subscriptions should be sent to the Government Printer, Melbourne.

EIGHTH PAR

FIRST SESS

Governor-Ge

His Excellency the Right Honorable HENRY WILLIAM, ... Most Honorable Privy Council, Knight Grand Cro... Michael and Saint George, and Commander-in-Chie... Australia.

* From 6th October, 1920.

Australian National Gov...

(*From 10th January, 19...*

Prime Minister and Attorney-General	..	The Right Honorable William...
Minister for the Navy	.. ..	The Right Honorable Sir Jos...
		S...
Treasurer	.. .. ..	The Honorable W. H. Laird S...
		The Right Honorable Lord Fo...
		S...
		The Right Honorable William...
		S...
		The Right Honorable Sir Jose...
Minister for Defence	.. ..	The Honorable George Foste...
Minister for Repatriation	.. ..	The Honorable Edward Davis...
Minister for Works and Railways	..	The Right Honorable William...
		S...
		The Honorable Littleton Ernes...
Minister for Home and Territories	..	The Honorable Patrick McMah...
		S...
		The Honorable Alexander Poyn...
Minister for Trade and Customs	.. ..	The Honorable Jens August Je...
		S...
		The Right Honorable William...
		S...
		The Honorable Walter Massy G...
Postmaster-General	.. .. ..	The Honorable William Webste...
		S...
		The Honorable George Henry Wise (4th Febru...)
Vice-President of the Executive Council	..	The Honorable Littleton Ernest Groom.
		Succeeded by
		The Honorable Edward John Russell (27th March, 1918).
Honorary Minister	.. .. ..	The Honorable Edward John Russell.
		Appointed Vice-President of the Executive Council, 27th March, 1918).
Honorary Minister	.. .. ..	The Honorable Alexander Poynton.
		Appointed Minister for Home and Territories, 4th February, 1920.
Honorary Minister	.. .. ..	The Honorable George Henry Wise.
		Appointed Postmaster-General, 4th February, 1920.
Honorary Minister	.. .. ..	The Honorable Walter Massy Greene.
		Appointed Minister for Trade and Customs, 17th January, 1919.*
Honorary Minister	.. .. ..	The Honorable Richard Beaumont Orchard**
Honorary Minister	.. .. ..	The Honorable Sir Granville de Laune Ryrie, K.C.M.G., C.B., V.D. ††
Honorary Minister	.. .. ..	The Honorable William Henry Laird Smith.††
		Appointed Minister for the Navy, 28th July, 1920.
Honorary Minister	.. .. ..	The Honorable Arthur Stanislaus Rodgers.***

* Appointed 26th March, 1918.——† Removed from office, 13th December, 1918.——** Resigned office, 31st January, 1919.——†† Appointed 4th February, 1920.——††† Resigned 3rd February, 1920.——†††† Resignation from office gazetted, 15th June, 1920.——*** Appointed 28th July, 1920.

Senators.

(*From 1st July, 1920.*)

President—Senator the Honorable Thomas Givens.

Chairman of Committees—Senator Thomas Jerome Kingston Bakhap.

*Adamson, John, C.B.E. (Q.)
Bakhap, Thomas Jerome Kingston (T.)
*Benny, Benjamin (S.A.)
Bolton, William Kinsey, C.B.E., V.D. (V.)
[3]Buzacott, Richard (W.A.)
*Cox, Charles Frederick, C.B., C.M.G. (N.S.W.)
Crawford, Thomas William (Q.)
De Largie, Hon. Hugh (W.A.)
*Drake-Brockman, Edmund Alfred, C.B., C.M.G., D.S.O. (W.A.)
*Duncan, Walter Leslie (N.S.W.)
Earle, Hon. John (T.)
*Elliott, Harold Edward, C.B., C.M.G., D.S.O., D.C.M. (V.)
Fairbairn, George (V.)
Foll, Hattil Spencer (Q.)
[2]Foster, George Matthew (T.)
*Gardiner, Albert (N.S.W.)
*Givens, Hon. Thomas (Q.)
*Glasgow, Sir Thomas William, K.C.B., C.M.G., D.S.O. (Q.)
*Guthrie, James Francis (V.)
Guthrie, Robert Storrie (S.A.)
Henderson, George (W.A.)
Keating, Hon. John Henry (T.)
*Lynch, Patrick Joseph (W.A.)
Millen, Hon. Edward Davis (N.S.W.)
*Millen, John Dunlop (T.)
*[1]Newland, John (S.A.)
*Payne, Hon. Herbert James Mockford
[2]Pearce, Hon. George Foster (W.A.)
[1]Plain, William (V.)
Pratten, Herbert Edward (N.S.W.)
Reid, Matthew (Q.)
[1]Rowell, James, C.B. (S.A.)
*Russell, Hon. Edward John (V.)
Senior, William (S.A.)
Thomas, Hon. Josiah (N.S.W.)
*Wilson, Reginald Victor (S.A.)

1. Appointed Temporary Chairman of Committees, 21st July, 1920. 2. Elected 13th December, 1919 Sworn 21st July, 1920. 3. Appointed Temporary Chairman of Committees, 26th February, 1920.
* Elected 13th December 1919. Sworn, 1st July 1920.

House of Representatives.

Friday, 8 October, 1920.

Mr. SPEAKER (Hon. Sir Elliot Johnson) took the chair at 11 a.m., and read prayers.

SHIPBUILDING: NEW DEPARTMENT.

Mr. McWILLIAMS.—In the absence of the Prime Minister, I desire to ask the Minister in charge of shipbuilding if it is correct, as reported in the press, that the Government intend to create a new Department to control ship construction for the Commonwealth?

Mr. POYNTON.—I presume that the honorable member is referring to the proposal to appoint a Secretary to the Ship Construction Branch. It is not intended to create a new Department. The appointment is a part of the scheme for the amalgamation of the Cockatoo Island and Williamstown Dockyards—a scheme which has been held up for some time pending the signing of an agreement by the unionists employed in shipbuilding. I understand that the men are now signing up.

SUGAR SUPPLY FOR AYR.

Mr. BAMFORD.—In the Burdekin district, North Queensland, there are two sugar mills, not more than 10 miles apart, in each of which there is a large stock of raw sugar, and between these two mills there is the town of Ayr, with a population of from 1,200 to 1,500. Is the Minister for Trade and Customs aware that the residents of that town are unable to obtain sugar, and will he endeavour to remove this most disconcerting condition of affairs by allowing them to obtain some of the sugar that is within 4 or 5 miles of their town?

Mr. GREENE.—Yes.

PERSONAL EXPLANATION.

Mr. TUDOR.—I desire to make a personal explanation in reference to an incident which occurred in this House on 29th September, when the Assistant Minister for Defence (Sir Granville Ryrie) made a statement in regard to the case of ex-Gunner Yates. It will be remembered that I also obtained leave to make a statement in reference to the matter. In the course of my speech I said—

> Mr. Yates learned of the incident, and considered it a reflection upon himself personally, taking the view that he was one of those to whom the Prime Minister had alluded.

The honorable member for Robertson (Mr. Fleming) at that point interjected—

> There have been a good many of those reflections going about this House.

I replied—

> Yes, and some of them deserved.

I desire to explain that I did not intend to reflect in any way upon the honorable member for Robertson (Mr. Fleming), who is inclined to think that, having regard to the context, my remark might be taken as reflecting upon him. I was objecting to the reflections that had been cast on ex-Gunner Yates. When I desire to reflect on any one I say straight out to whom I am referring.

PERMANENT NAVAL OFFICERS.

RETIREMENT AND HALF PAY.

Mr. MARKS asked the Minister for the Navy, *upon notice*—

> 1. Whether it is intended that Statutory Rule No. 156 of 1920, recently issued by the Navy Department, relating to the half pay and retirement of officers of the permanent forces of the Navy, shall apply to officers of the permanent forces who were transferred from the State to the Commonwealth, and who are employed on shore establishments training the Citizen Naval Forces, &c.?
>
> 2. Should it be so intended to apply, will not a great hardship be inflicted on those officers so transferred, considering that they are not in receipt of pensions on retirement or deferred pay, and receive considerably less than officers of corresponding ranks on the sea-going list?

Mr. LAIRD SMITH.—The answers to the honorable member's questions are as follow:—

> 1. Yes.
>
> 2. No. Previous to the operation of this regulation the officers referred to could be retired by Order in Council without any compensation. Under this regulation, however, they can be permitted to obtain half pay for six or twelve months prior to retiring.

TARIFF: WORKS OF ART.

Mr. MARKS asked the Minister for Trade and Customs, *upon notice*—

With a view to facilitating the importation of works of art for the purpose of encouraging a greater public interest in paintings, &c., by the contemporary and earlier artists, will the Minister give favorable consideration to the suggestion of the trustees of the National Art Gallery of New South Wales that the Tariff be 25 per cent. upon works to the value of £100, 10 per cent. upon those of from £100 to £250, beyond that value to be free, works 100 years old or more to be free, that the minimum duty be £2, and that sculpture and statuary being one and the same and treated as such and admitted free?

Mr. GREENE.—This matter is receiving consideration, and will be dealt with when the Tariff item is being considered by Parliament.

PENSIONS TO TUBERCULAR SOLDIERS.

Mr. MARR asked the Minister representing the Minister for Repatriation, *upon notice*—

1. Whether the question of pensions payable to tubercular soldiers has been further considered by the Repatriation Commission and the Government; and, if so, what is the result of such consideration?

2. Has the question of pensions payable to limbless and maimed soldiers been further considered in view of the interpretation of the schedule by the Repatriation Commission; and, if so, what has been the result of such consideration?

Mr. RODGERS.—The answers to the honorable member's questions are as follow:—

1. The question is receiving the joint consideration of the Government and the Repatriation Commission, and an early decision will be announced.

2. The Commission advises as follows:—

(*a*) The special pension of £8 per fortnight set out in the second schedule of the Act will be granted in all cases of double leg amputations above the knee, subject to the proviso in the said schedule as to the pension not being payable to those who are maintained in an establishment at the public expense.

(*b*) All applications for special rate of pension as per second schedule, except those for double leg amputations above the knee, must be referred to the Commission for decision, accompanied by a full report from the D.M.O., in each case, as to the particulars of all disabilities from which the applicant is suffering. The P.D.M.O. will go into each case, and make a report thereon for the assistance of the Commission.

WAR SERVICE HOMES BILL.

In Committee (Consideration of Senate's message):

House of Representatives' Amendment—After clause 14 add the following new clause:—

"16. (1) The Commissioner shall, as soon as possible after the close of the financial year, submit to the Minister an annual report, showing for each State, the number of applications received and dealt with, homes erected, and average costs, a *résumé* of operations, and a balance-sheet showing cash and stocks on hand, and an account of moneys received and expended during that year, also a balance-sheet showing trading operations in connexion with timber mills, and a profit and loss account of each timber mill.

"(2) The annual report shall be laid before both Houses of Parliament within fourteen days after its receipt by the Minister if the Parliament is then sitting, or if the Parliament is not then sitting, within fourteen days after the next meeting of Parliament."

Senate's Message—Amendment agreed to with the following amendments:—

(1) Before the words "(1.) The Commissioner" in proposed new clause 16 insert "After section 50A of the principal Act the following section is inserted:—

50B".

(2) Omit from sub-clause (1.) of proposed new clause 16 all the words from and including the words "the financial year", and insert in their stead the words "each financial year furnish to the Minister for presentation to the Parliament—

(*a*) a report on the administration and operation of this Act showing particularly, in respect of each State—

(i) the number of applications for homes and advances received and dealt with;

(ii) the number of homes erected; and

(iii) the average cost of each home erected;

(*b*) a balance-sheet showing cash and stocks on hand and an account of moneys received and expended during that year; and

(*c*) a balance-sheet showing trading operations in connexion with all industrial or manufacturing concerns acquired by the Commissioner, and a profit and loss account in respect of each such concern".

Mr. RODGERS (Wannon—Assistant Minister for Repatriation) [11.7].—I move—

That the amendments be agreed to.

It will be remembered that the new clause 16 was inserted on the motion of the honorable member for Dampier (Mr. Gregory), and that the Government made it clear that while they agreed in substance with the proposal, they thought

that as to some of the details it was rather overloaded. The Senate's amendment puts in rather better form the intention of the Committee in inserting that clause. It clearly specifies and classifies the information that the Commissioner is to submit annually to the Parliament, and in some respects improves upon the original provision, since it provides that an annual report shall be presented, dealing not only with the mills particularly specified, but with all industrial or manufacturing concerns acquired by the Commissioner.

When the Bill was before the Committee, I promised the honorable member for Wentworth (Mr. Marks) that I would intimate as soon as possible the considered decision of the Government with respect to his proposal to bring within the scope of the Bill all those classes that were very close to the border line of war service. I have to announce that the matter has been carefully considered, and that the Government is unable to see its way to include the particular classes on behalf of whom a plea was advanced by the honorable member, and also by the honorable member for Parkes (Mr. Marr).

Mr. TUDOR (Yarra) [11.10].—I have not the least objection to the furnishing of annual reports in regard to the various industrial activities of the Government, but I am afraid that some of the factories controlled by the Government are inclined to present reports that are altogether too elaborate. I have here an annual report, presented to this Parliament, and ordered to be printed, on 28th July last, dealing with the operations of the Clothing, Cordite, Harness and Saddlery, Small Arms, and Woollen and Cloth Factories. Page after page is devoted to lists, showing not merely the bulk output of these factories, but the number of articles made in some of them. For instance, the Clothing Factory reports, among other things, that it supplied seventy-two cooks' aprons at 4s. each.

Mr. Hector Lamond.—A lot of money is wasted on the compilation of such a report.

Mr. TUDOR.—Yes; I am pointing out that it is possible to go to extremes in this regard. It is mentioned in the report of the Clothing Factory that 43,088 arm badges of a certain class were made, and in some cases particulars are given of single articles turned out by the factory. We do not want small details.

Mr. Richard Foster.—The Department cannot have much to do when it supplies such details.

Mr. TUDOR.—My fear is that if this amendment be agreed to the War Service Homes Commissioner may think it necessary to set out in his report that he obtained, for instance, a case of nails from one firm and two cases of nails from another firm. I agree with the honorable member for Wakefield (Mr. Richard Foster) when he suggests that we do not want the detailed information that is supplied in certain reports, and that the Department cannot have much to do when it compiles such elaborate particulars. It may be thought, however, that the Parliament desires all this information. When it was proposed that the War Service Homes Commissioner should present an annual report of the operations of his mills, the Minister said that he might be compelled under such a provision to supply information which would be of advantage to his competitors. So far as stocks are concerned that might be so. Finding from his report that his stock of certain material was low his competitors might be inclined to raise the price of that material. I hope that the Minister will see to it that in the case of the War Service Homes Commissioner's report we are not supplied with the detailed information that is furnished in respect of some of the Government factories.

Mr. HECTOR LAMOND (Illawarra) [11.14].—The various activities under Government control are subjected to constant criticism in this House and outside of it, and comparisons are continually being made between public and private enterprises to the detriment of the former. From the same quarter that these criticisms as to want of economy on the part of public enterprises emanate, comes a continual request that public enterprises should be handicapped by having to support a staff of accountants and actuaries in order that they may supply to the Parliament detailed information of their operations. These details, perhaps, are not examined by two members of Parliament when they are supplied. The whole

cost of these staffs is debited against the enterprise. While it is necessary that the Parliament should be fully informed as to the working of all Government undertakings, the fact that we impose upon them heavy expenditures, which are not undertaken by private enterprise conducting the same work, should be borne in mind. Because some persons are aggrieved by what the War Service Homes Department is doing, the country is to be put to the expense of, it may be, £10,000 to carry out an exhaustive investigation. I venture upon the very dangerous ground of prophecy, and say that when the report of the Public Accounts Committee on its present inquiry is received it will be found that the whole of the money spent upon it will have been absolutely wasted. These charges are always made when some one in business secures an advantage over some one else. In connexion with this particular matter I direct special attention to the fact that in order that this inquiry may be carried out the head of the War Service Homes Department, and probably other officials, will be tied to the Committee, it may be for months, when they ought to be carrying on the enterprise which has been intrusted to them. A little later the same critics will come along and say that the War Service Homes Commission has failed, and if that be so it will have failed, not because of any inherent defect in the control by the Government of such an enterprise, but because the War Service Homes Commissioner will have been taken away from the work which, if he were the manager of a private concern, he would be doing, in order that he might be dragged around at the heels of a committee of inquiry. I indorse the objection of the Leader of the Opposition (Mr. Tudor) to the furnishing of these elaborate detailed reports. Their preparation necessitates the employment of a number of clerks, and they are utterly useless so far as any supervision which this Parliament is able to exercise over these enterprises is concerned.

Mr. TUDOR.—I might have referred to at least a dozen double pages in the report I mentioned containing as much detail as the two pages to which I have referred.

Mr. HECTOR LAMOND.—A number of clerks are to have access to documents in order to inform Parliament that "one bib" has been manufactured for some one by a Government factory. The thing is absolutely ridiculous, and involves a great deal of unnecessary expense. At this time, when economy of expenditure is asked for, we might save a little by doing away with a number of useless reports which, after they are presented to this Parliament, are thrown into the waste-paper basket.

Mr. MATHEWS (Melbourne Ports) [11.18].—We are getting two illustrations of the desire of some honorable members opposite to interfere with the conduct of public enterprises, with the object of discrediting everything undertaken by the Government, and in order to justify their preference for private enterprise.

Sir JOSEPH COOK.—Why raise such a debate now? We have the Senate's amendment before us.

Mr. MATHEWS.—I want to deal with the Senate's amendment, and I do not think that we should accept it, but I should like to refer to another matter first. The work of the War Service Homes Commission is continually being interfered with by certain honorable members, and the intention is to discredit it, because it has fought and beaten a lot of combines in Australia. That is its greatest fault. I agree with the honorable member who has just sat down that the investigation into the purchase of the timber mills will delay the work of the War Service Homes Department, and it will then be said that the building of the homes should have been let by contract, when they would have been completed more quickly.

There is another phase of the question to which I should like to refer. It appears to me that the time is not far distant when the Senate will be the House that will control everything, if the Government persist in their present practice. If some proposal is not correctly expressed in legislation submitted here, the Government wait until it reaches the Senate, and permit that House to alter it. The effect of the adoption of this practice is to induce members in another

place to believe they are of some importance. The Senate was brought into existence to preserve State rights, and has no authority to interfere with other aspects of legislation.

Mr. Corser.—Is the Senate not a House of revision?

Mr. MATHEWS.—If the honorable member will take the trouble to read the reports of the Federal Convention he will find that the Senate was constituted as a House for the preservation of State rights, and for nothing else. We have the spectacle of the Government accepting the interference of the Senate with a money Bill.

The CHAIRMAN.—The honorable member may not discuss the general question of the powers of the Senate.

Mr. MATHEWS.—Surely I may be permitted to give an illustration in support of my remarks. The Government knew before this Bill was returned to the Senate that there was something wrong with the particular provision which we are now discussing, but instead of amending it here they permitted its amendment to be left to the Senate.

Sir Joseph Cook.—Why raise such a debate on a mere matter of verbal expression?

Mr. MATHEWS.—Because we are experiencing too much interference by the Senate, in which one-third of the people of Australia have two-thirds of the representation. New South Wales and Victoria have two-thirds of the people of the Commonwealth and only one-third of the representation in the Senate. It is possible that some small States like the "Fly-speck" may approve of that condition of affairs, but it is not Democracy.

Sir Joseph Cook.—I rise to a point of order. I do not like to interrupt the honorable member, but I should like to know what his remarks have to do with the amendment. I submit that the honorable member should discuss the amendment of the Senate, and should not be allowed to range over the whole question of the powers of the Senate. There will be plenty of opportunities to do that, and it should not be done now.

Mr. West.—On the point of order, I should like to point out——

The CHAIRMAN.—I am quite ready to rule on the point of order.

Mr. West.—You will excuse me making a few remarks.

The CHAIRMAN.—No. I ask the honorable member to resume his seat. I have already called the attention of the honorable member for Melbourne Ports (Mr. Mathews) to the fact that he may not discuss the general question of the powers of the Senate on the question before the Committee. I ask the honorable member to confine his remarks to the amendment.

Mr. MATHEWS.—I agree that I cannot discuss the general question of the powers of the Senate, but I wish to show the danger with which we are confronted.

Sir Joseph Cook.—The honorable member should wait for another opportunity to do so.

Mr. MATHEWS.—Why should I wait?

Sir Joseph Cook.—Because we want this Bill to be passed.

Mr. MATHEWS.—Before the Bill was returned to another place, it was known that the amendment made there would have to be made. When the measure was under consideration here, an honorable member took a certain stand, and the Government, feeling that there was some reason in his contention——

Mr. McWilliams.—This House passed the clause under consideration.

Mr. MATHEWS.—I intend to make my point, no matter how much honorable members may try to prevent me. It was well known, before the Bill left this House, that some alteration should be made in this clause, and the Government allowed the Bill to go to another place and have the amendment made there, instead of making it here.

The CHAIRMAN.—The honorable member is again discussing the general question, and the only question before the Committee is whether the Senate's amendment shall be accepted or not. The question of the constitutional rights of the Senate is not before the Committee.

Mr. MATHEWS.—May I not touch upon the question at all?

The CHAIRMAN.—The honorable member may do so on another occasion, but certainly not on the question before the Committee.

Mr. MATHEWS.—It is almost impossible to discuss the question before the Committee without giving reasons for my objections to the amendment made in another place.

Sir JOSEPH COOK.—This Bill is really urgent.

Mr. MATHEWS.—Then if it is so urgent, the clause should have been properly drafted here. I hope that this kind of thing will not be perpetuated, and that this House will carry out its proper work, and let the Senate take up its proper position.

Mr. GREGORY (Dampier) [11.26].—As I am the member of this House who was responsible for the introduction of this clause——

Mr. WEST.—You, sir, seem to have a "down" on me this morning.

The CHAIRMAN.—Order! The honorable member has no right to make such a remark. I call upon him to withdraw it.

Mr. WEST.—I withdraw it.

Mr. GREGORY.—I wish to say that I quite agree with the amendment made in the clause by the Senate, at the suggestion, no doubt, of the Parliamentary Draftsman. I cannot understand for a single moment why any objection should be raised to the amendment.

Mr. WEST (East Sydney) [11.27].—I can quite understand the attitude of honorable members opposite to this amendment. Those who are responsible for the introduction of this provision have ulterior motives.

Mr. GROOM.—The honorable member must not impute motives.

Mr. WEST.—I do not impute motives. I said that they have ulterior motives, and their object is, if possible, to injure Government enterprises.

The CHAIRMAN.—The honorable member is now imputing improper motives.

Mr. WEST.—That is far from my thoughts. Their object is to discredit industrial enterprises carried on by the Government. I shall not offer any opposition to the amendment, because I am quite satisfied that when proper balance-sheets of these enterprises are presented they will disappoint those who are opposed to these activities of the Government. I am prepared to support the amendment, because I believe honorable members should be given the fullest information concerning those enterprises. The Leader of the Opposition (Mr. Tudor) directed attention to the reports of the operations of the Cordite Factory and the Harness and Saddlery Factory. They have furnished a report which contains forty-eight pages, and which cost £60 to print. The report includes some very interesting items, such as a reference to "one ball puncher" and "one canvas stretcher, 10s." There is not a person in any honorable member's constituency who worries himself over items of this character. The honorable members who have instigated these amendments have done so with a view to providing themselves with material for attacking the Government in regard to the establishment of these enterprises. It is a remarkable fact that Commonwealth factories which were established during the *régime* of the Labour Government, and which have done such splendid work for the country, have been continued and extended by succeeding Governments. I assure those honorable members who are so desirous of damaging all Government enterprises that they will not achieve anything through having induced the Senate to make this amendment. It must be admitted that the expenditure in connexion with the Clothing and Harness and Saddlery Factories has been justified, and that they played a great part in enabling Australian soldiers to make such a good showing on the other side of the world. I would be better pleased if honorable members would exercise their abilities in forwarding the progress of Australia rather than in raising these trumpery questions. This amendment involves the appointment of a greater staff, and as a member of one of the Standing Committees of this Parliament, I have learned that much of the expense in connexion with one Government enterprise is due to the excessive number of officials. Are honorable members aware that the Auditor-General has inquired into the expenditure of all these Government enterprises? No doubt the activities in connexion with War Service Homes will likewise be subject to his review. Owing to a recent increase in his powers, the Auditor-General will be able to investigate these operations in greater detail than previously. I have every confidence in him and his officers. I know that they visit some of the factories weekly or fortnightly in order to check their operations. The Senate cannot have a large amount of work to do. Yesterday it sat for twenty minutes, and then

took a week's holiday. Members of that Chamber have to do something to get their names in print, otherwise the people would not know that they existed.

The CHAIRMAN.—Order!

Mr. WEST.—Frequently I have been asked by members of the outside public as to what that Chamber is which makes so many alterations to the legislation approved by this House. Reasons for an amendment of this kind ought to be furnished. Whether or not the Senate has exceeded its constitutional powers I cannot say, but I think even the Chairman will admit that that Chamber is doing work that it was never intended to do by the real founders of the Federation, with whom I was closely identified. A feature of the amendment is that those who profess to be most anxious for economy are supporting a proposal which will mean an increase of staff and considerable expenditure in printing, in order to satisfy their desire to get evidence that will be damaging to these Government enterprises. I content myself with emphasizing the fact that this amendment appears to be very satisfactory to a few honorable members who are looking after the interests of private enterprise, regardless of how detrimental it may be to the public welfare.

Mr. McWILLIAMS (Franklin) [11.40].—I am surprised at the storm in a teacup which has been raised by this amendment. The Bill, as originally submitted to this House, contained no provision for a report to be presented. The honorable member for Dampier (Mr. Gregory) moved an amendment requiring an annual report to be presented, together with certain other information. The Government compromised by agreeing to the amendment after certain particulars which were specified had been struck out. In another place, some slight alterations were made in the amendment, apparently with a view to better draftsmanship, and now the Committee is asked to accept its own amendment in an improved form. All the talk about the Senate trespassing on the rights of this Chamber is mere twaddle.

Mr. TUDOR.—I did not complain of that so much as I did of the enormous amount of detail that is already supplied.

Mr. McWILLIAMS.—This amendment does not provide for as much detail as did the amendment which the Committee itself made in the Bill. The amendment really involves a reduction in the information to be supplied. I hope the Committee will accept the amendment.

Motion agreed to.

Senate's amendment agreed to.

Resolution reported; report adopted.

JUDICIARY BILL.

SECOND READING.

Debate resumed from 6th October (*vide* page 5390), on motion by Mr. GROOM—

That this Bill be now read a second time.

Mr. TUDOR (Yarra) [11.44].—I ask the Minister to consent to a postponement of this debate until the next day of sitting.

Mr. GROOM.—I cannot see my way to do that. The Bill has been held back long enough.

Mr. TUDOR.—I realize that unless the House will give me leave to continue my remarks, I shall have to proceed with the discussion of the Bill, although it could be better handled by other members of the party which I have the honour to lead. The honorable member for West Sydney (Mr. Ryan) has given notice of an amendment to this motion, but at present he is absent in Queensland helping his party in the election campaign. That is in accordance with the practice of most honorable members of this party. When the second reading of the Bill was moved, I was speaking in my electorate in connexion with the Victorian State elections, and possibly I may have to miss other sittings of the House. The honorable member for West Sydney is away in the State of which he was Premier, and it is naturally impossible for him to be in two places at once. It is only fair, in the circumstances, to ask the Government to agree to postpone the Bill.

Mr. CORSER.—Is not the honorable member's first duty to this House when he is elected?

Mr. TUDOR.—I suppose very few can cavil at the irregularity of my attendance, for I have not missed many days here since the first Federal Parliament met; but I always look on that as a matter for a member's own constituents to

decide. I have never said a word about the attendance of the honorable member for Wide Bay (Mr. Corser).

Mr. CORSER.—Does the honorable member argue that the business of the House is to be held up because the honorable member for West Sydney is not here?

Mr. TUDOR.—I think my request is a perfectly legitimate one; but if it is not granted, I shall be prepared to do my best, although it will not be a very good best, to debate a measure which I confess I do not understand. If the Government would bring on the Tariff, about which I do know something, I should be quite prepared to go on with it.

Mr. GROOM.—The sooner you get these Bills out of the way, the sooner you will reach the Tariff.

Mr. TUDOR.—I want the honorable member for West Sydney to have an opportunity to express his views, and explain why he gave notice of his amendment on the second reading of this Bill. The measure was originally introduced at least three or four months ago, and the honorable member immediately gave a contingent notice of amendment on the motion for the second reading. I shall move this if I am permitted to do so.

Mr. SPEAKER.—The honorable member can move an amendment.

Mr. MCWILLIAMS.—I think the Government ought to give the honorable member for West Sydney a chance to be here to move his amendment. There is plenty of other business to go on with. I think we ought to "play cricket."

Mr. TUDOR.—I have already made three distinct appeals to the Minister, but he appears very anxious to go on with the Bill at once. The honorable member for Franklin (Mr. McWilliams) and myself disagreed last night. On that occasion I was the best supporter the Treasurer had, and the honorable member took the opposite view; but that does not prevent him from backing me up in a fair request to-day.

Sir JOSEPH COOK.—The amendment which the honorable member for West Sydney wants to come back and move has for its object the absolute destruction of the Bill.

Mr. TUDOR.—If the Government say that the honorable member for West Sydney is out as a wrecker for the purpose of destroying the Bill, they should at least give him an opportunity of explaining his object.

Mr. GROOM.—We cannot see our way to accede to the request.

Mr. TUDOR.—I very much regret it. Before I sit down I shall move the amendment of which the honorable member for West Sydney has given notice.

The Minister for Works and Railways (Mr. Groom) has courteously provided me with a *Hansard* proof of his second-reading speech on this measure. I understand that one amendment which this Bill makes in the principal Act is to render it unnecessary for all the Justices of the High Court to be present when an appeal is made upon a constitutional question.

Mr. GROOM.—To provide that three Judges concurring shall be sufficient.

Mr. TUDOR.—The Minister said—

> Under the Judiciary Act which was passed by this Parliament in 1912 it is provided that a Full Court, consisting of less than all the Justices, shall not give a decision upon any question affecting the constitutional powers of the Commonwealth unless a majority of the Justices concur in the decision.

I take it that under this Bill unless three Justices agree—I prefer the word "agree" to the word "concur," because the man in the street understands it better—a decision will not be given. In looking through the measure I thought at first that it meant that three Judges had to concur or agree with the Chief Justice or the senior presiding Judge. Will it be possible under this Bill for three Judges out of the seven to hear an appeal on a constitutional question, and, if they are unanimous, to give a decision?

Mr. GROOM.—That is so.

Mr. TUDOR.—Then it will be possible for a minority of the Judges of the High Court to give decisions of a far-reaching character. A judgment was given by the High Court the other day which, according to newspaper reports, seriously affects the position of the States. The next day I asked for an expression of opinion from the Government on the matter, but we have not yet been favoured with it. If I understand the decision rightly, it makes this Parliament paramount.

Mr. GROOM.—It is only a judgment on the particular point at issue. It was given on the question of arbitration powers dealing with State instrumentalities.

Mr. TUDOR.—I understand that the question was whether the Commonwealth Court had power to give an award in a case in which State industries were affected. The *Argus*, which professes to be the greatest constitutional authority among the newspapers in this State, said that the judgment upset the previous decision of the High Court in the case of *D'Emden* v. *Pedder*, which was the determining case so far as taxation is concerned. A layman is not fitted, owing to his lack of training, to argue matters of this kind, and that was one reason why I wanted the Bill postponed until the honorable member for West Sydney, who has had the advantage of a legal training, returned. I notice that of the seven Judges of the High Court, Mr. Justice Powers is away. He will return early next year; but Mr. Justice Isaacs is also going away on twelve months' leave of absence. Some honorable members, and also some people outside, are commenting on the fact that while a public servant, after twenty years' service, is allowed only six months' furlough, a Judge who has been on the Bench for only fourteen years is able to obtain leave of absence for twelve months. Personally, of course, Mr. Justice Isaacs and myself are the greatest friends, and I am sure that he will understand that I am not speaking in a hostile spirit against him, or any of the other Judges of the High Court. When he is away, there will still be only six Judges available. The arbitration cases require the continuous presence of Mr. Justice Higgins, and we know that Mr. Justice Starke has also been taking Public Service arbitration cases, which have occupied the bulk of his time. He has sat not only on holidays and at night, but during week-ends, in order to help to clear off the great congestion of business in the Arbitration Court. In addition, this House has deliberately placed a further burden on the Court, because the amending Arbitration Bill requires at least three Judges to be on the Bench to deal with any case affecting the standard hours in an industry.

An important point that must be borne in mind is that this week an amendment was carried in the Arbitration Bill which will probably force three-fourths of the unions of Australia out of the Court. Some honorable members did not think it would have such a far-reaching effect.

Mr. McWilliams.—Do you mean the "signing-on" amendment?

Mr. TUDOR.—Yes. My authority is Mr. Holloway, whom I look upon as one of the most reliable men in connexion with the trade union movement. He can speak with a great amount of authority; and he assures me that practically not one union will agree to amend its rules in the direction required by the amendment which the Senate included in the Bill. It is, therefore, quite possible that what was done the other night will wipe out the whole of the work of the Arbitration Court. If it has that effect, I shall be very sorry. I voted against it, and urged the House to do so. I know that the unions feel very strongly on the matter. They will not go to the Arbitration Court if they are compelled to alter their rules. If they are compelled to break away from the Court by that amendment, there will be very few arbitration cases, and not many Judges will be required there. This may help us over the difficulty of obtaining a Full Court Bench; but it may also land Australia in further difficulties from an industrial point of view by creating industrial unrest. I shall not attempt to forecast what may happen; but I am very much afraid of the result of the action taken by Parliament this week.

The Minister (Mr. Groom) said in his second-reading speech on this Bill that, in 1915, the Judiciary Bill was amended at the instance of a member of the Opposition. I suppose he meant a member of the then Opposition. The records show that the Bill was introduced by the present Prime Minister. Since then there has been a complete re-shuffle of parties in this Parliament. The amendment inserted at that time was that "This Act shall remain in operation during the present war, and for six months thereafter, and for no longer." I do not know who moved it.

Mr. Groom.—I think it was the honorable member for Parramatta (Sir Joseph Cook), who was then in Opposition.

Mr. TUDOR.—The Act was amended early in 1915 to confer original jurisdiction upon the High Court "in all matters

arising under the Constitution, or involving its interpretation; in all matters of Admiralty or maritime jurisdiction, and in trials of indictable offences against the laws of the Commonwealth." The Minister said—

> The distinctive feature of that Act was the granting of criminal jurisdiction to the High Court to enable it to deal with indictable offences. The Bill, in the form in which it was originally introduced, bestowed that power generally. But an amendment was inserted, at the instance of a member of the Opposition, providing—
>
> That this Act shall remain in operation during the present war and for six months thereafter, and for no longer.
>
> We now propose to repeal that limitation, and to continue in the High Court the criminal jurisdiction which it has held since 1915. It is a reserve power, which is not to be used upon all occasions. But it has been found helpful upon certain occasions, and it is only proper that it should be continued.

It must not be forgotten that it was found helpful from 1915 only because it was held to be a war measure. I have no objection to the High Court being the permanent Court of Australia, nor to the limitation being practically struck out; but I suggest that in such cases the Minister might prepare a memorandum showing the alterations it is proposed to make in an Act. Such memoranda are very helpful to honorable members who desire to thoroughly understand what is being done; but in the present case we are simply told that the section is to be omitted, not the slightest indication being given of the effect of the omission. As a matter of fact, the provision becomes permanent by the omission of the section. It reminds me of a story told by the late Sir Wilfred Lawson, the great temperance advocate of England, who once said that if the Ten Commandments were submitted to the devil he would declare them to be all right with a little amendment—the little amendment of striking out the "nots." As I indicated I should do earlier, I now move the amendment given notice of by the honorable member for West Sydney (Mr. Ryan)—

> That all the words after "That" be omitted, with a view to inserting the following in place thereof:—"in consequence of the exploitation of the people of Australia by profiteering and of the urgent necessity of dealing therewith, the Bill be now withdrawn, for the purpose of introducing, at the earliest possible moment, more comprehensive measures, which will confer all necessary jurisdiction and powers of investigation on the High Court of Australia and other existing Courts for the enforcement thereof, and which for the purposes of exercising the powers contained in the Constitution will provide, *inter alia*, for—
>
> (*a*) requiring statistics of the cost of production of all goods manufactured in Australia and of the landed cost of all goods imported into Australia;
>
> (*b*) requiring statistics of the profits accruing to trading corporations or derived from Inter-State shipping, and of the rate of profit on the capital actually employed therein respectively;
>
> (*c*) penalties of fine and imprisonment for refusal to furnish such statistics, or for wilfully making false returns;
>
> (*d*) all purposes incidental to the above;
>
> (*e*) the extension of the moratorium for the protection of primary producers and others requiring the same.

The last paragraph was given notice of by the honorable member for Hume (Mr. Parker Moloney) as a separate amendment. It is generally admitted that we have complete power to collect statistics, and that we may compel persons, who are making enormous profits, to disclose them. I have in my hand a book which was issued by the Minister for Trade and Customs (Mr. Greene), and which I quoted the other evening, showing the large amount of capital that is being invested in new companies and existing companies. These issues of capital were authorized by the present Government during the period from 26th January, 1916, to the 30th of December, 1917. I honestly believe that in the authorization of these new investments the Government and their officers exercised the greatest care; but it is serious to realize that this Parliament has no power over such a flotation as that of the Badak mines—one of the worst of "wild cats" ever known in Australia.

Sir ROBERT BEST.—The authorization by the Government carries no guarantee.

Mr. TUDOR.—None; the Government were always careful to state that their authorization did not give any guarantee of the soundness of a company. But, as in the case of the duty stamp on patent medicines in England, vendors have tried to make it appear that the authorization carries some guarantee of the genuineness of the article sold. The British Govern-

ment had to disclaim any responsibility, and the Australian Government took the same course in connexion with the authorization for the issue of capital.

Sir Robert Best.—They did so in every case.

Mr. TUDOR.—When I was Minister for Trade and Customs, picture theatre proprietors endeavoured to obtain consent to the promotion of companies for the erection of theatres, but they were prevented from doing so.

Mr. Bamford.—Did the honorable member not have some shares in a company formed for the production of films under a new method?

Mr. TUDOR.—That was many years ago, and the honorable member, like myself, also lost money in that venture.

Dr. Maloney.—At any rate, it was promoted to assist an Australian invention.

Mr. TUDOR.—That is so, and, because of that, I invested a few pounds, which, like money invested elsewhere, I lost.

Sir Joseph Cook.—Was that not the election "show" you ran?

Mr. TUDOR.—No; that was another affair, in which Senator Thomas and the late Mr. E. L. Batchelor were concerned, but it was many years before the days of Government control.

Mr. Groom.—It was really publicity work.

Mr. TUDOR.—Quite so; and I am a firm believer in the picture show for that purpose. As a matter of fact, at the week-end, I intend to deliver an address showing the enormous disproportion in the distribution of wealth in Australia—how 17 per cent. of the people own 98 per cent. of the assets—and in order to make the facts quite clear, I intend, if possible, to use the screen.

Sir Joseph Cook.—Then pictures are "educational"?

Mr. TUDOR.—They are.

Mr. McWilliams.—If the honorable member's speculation had turned out "trumps" he would have been one of the 17 per cent.

Mr. TUDOR.—As a matter of fact, many people invest in such ventures, not with the idea of making great fortunes, but simply to assist Australian invention and enterprise. However, the table issued by the Minister for Trade and Customs, to which I have referred, shows that in two years and eleven months the enormous sum of £111,716,478 was invested. Of that the amount invested in cash was only £62,926,784, while the sum subscribed to capital of reserves and undivided profits was £12,571,506, and by transfer of assets, other than cash, £36,218,188. These transfers are made for the purpose, in many cases, of hiding profits; companies will not show the profits, as may be seen from their balance-sheets. They are afraid to declare high dividends in accordance with the profits made. Take the Colonial Sugar Refinery Company as an example. Investigation has proved that it has been in the habit of placing profits to the credit of a reserve fund year after year, and of issuing to its shareholders so many new shares for every share held by them in the company. The Melbourne Tramway Company, the Dunlop Company, and the shipping companies occupy a similar position. They have consistently refused to pay to their shareholders in dividends the amounts which they might have paid. Instead, they have followed the practice of piling up profits in a reserve fund, and of disbursing those profits amongst their shareholders in the form of extra shares. Some of these companies could have paid dividends of 50 per cent., 60 per cent., and even 100 per cent. had they chosen to do so. From the annual report of the Director of the Bureau of Commerce and Industry for the year ended 30th June last, I gather that £62,926,784 represents the total amount invested in new and existing companies from the 26th January, 1916, to 31st December, 1919. The amount subscribed from transfer to capital of reserves and undivided profits is £12,571,506, whilst that represented by transfer of assets, other than cash, is £36,218,188.

Mr. Austin Chapman.—The Taxation Commissioner is claiming income tax upon the whole of that capital.

Mr. TUDOR.—He will not collect income tax upon the £36,218,188 which is represented by watered stock in these companies.

Mr. CORSER.—The companies have to pay income tax upon their reserves.

Mr. TUDOR.—But I am not speaking of the transfer to capital of reserves, but of the transfer of assets other than cash. The adoption of this practice means that the workmen in any industry upon the one hand, and the consumers upon the other, have to earn profits for their employers upon capital which really does not exist. Take for example Company A in Victoria. There was actually put into that company a capital of £30,000. Then its shareholders were called together and told by the directors, "We intend to give to every holder of two shares in the company an additional share." In that way the capital was nominally increased from £30,000 to £45,000. The man on the race-course is honest compared with some of the company promoters, who pretend that they are paying profits upon a capital of £45,000, when only £30,000 has been invested. That company flourished. It paid to its shareholders dividends of 10 per cent., with occasional bonuses of from 2 to 2½ per cent. The average man in the street does not understand how he is being taken down by these companies. In the report of which I have spoken, there is to be found a return showing the classification of the capital raised for the purpose of manufacture and production. It sets out that the total capital in new and existing companies under these headings amounts to £51,547,907. The number of applications for new companies received between 26th January, 1916, and 31st December, 1919, was 1,596, the total capital subscribed was £30,894,654, the amount subscribed in cash was £11,992,131, whilst the amount subscribed by transfer of assets, other than cash, was £18,902,523. Thus there was a larger amount represented by watered stock than by cash. The capital invested in existing companies totalled £20,653,253, of which £14,677,424 represented cash, £5,430,960 capital by transfer of reserves and undivided profits, and £544,869 capital by transfer of assets other than cash. The following table shows the classification of the capital thus raised from manufacture and production:—

	£
Agricultural, horticultural, and pastoral	12,855,419
Manufacture of foods	7,223,443
Iron and steel works	5,007,283
Engineering and machinery	3,646,366
Earthenware, cement, china, glass and stone	2,489,915
Stationery, printing, and manufactures of paper	2,981,732
Cold storage, refrigeration, and manufacture of ice	1,977,417
Apparel and textiles	2,473,728
Rubber goods	1,310,239
Tanning and wool scouring	1,187,568
Distillation and manufacture of beverages	1,128,812
Paints, dyes, and polishes	747,180
Timber and saw-mills	982,743
Drugs, chemicals, &c.	1,343,083
Plantations (mainly in Papua and Pacific Islands)	706,726
Manufactures of wood	538,846
Boots and leather goods	632,107
Shipbuilding	204,000
Vehicles	546,761
Production of picture films in Australia	132,297
Jewellery	155,119
Electrical appliances	105,151
Explosives	65,856
Instruments (surgical and scientific)	57,157
Miscellaneous manufactures	3,148,968

That table accounts for £51,000,000 which has been raised for our manufacturing industries. Do not honorable members think that we require complete statistics in regard to this matter, seeing that only £11,992,131 in cash has been invested in new companies, whilst £18,902,523 has been invested in promoters' shares or watered stock? We ought to have statistics of the cost of production of all goods in Australia. When I occupied the position of Minister for Trade and Customs, and manufacturers were seeking an increased measure of Protection, I had a schedule of questions prepared which I thought they were entitled to answer. I wanted to know, for example, what quantities of Australian goods were used in the production of their articles. The newspapers at once exclaimed, "Frank Tudor is asking for this information because he desires to use it upon the electioneering platform." As a matter of fact, I have always refused to use upon the public platform information which I obtained in my capacity

as Minister. But statistics which have been made public I have used upon the hustings, and I shall continue to follow that practice. I also asked the manufacturers what proportion of the cost of their finished articles was absorbed in wages. They replied that they could give this information to the Commonwealth Statistician, but not to a Labour Minister. Strange to say, when the Inter-State Commission was subsequently created its members asked for somewhat similar information. If honorable members will take the trouble to compare the questions which I put to manufacturers and those which the Inter-State Commission asked of them, they will see there is very little difference between our inquiries.

Mr. Bamford.—The honorable member will admit that the questions which were asked by the Commission ultimately resulted in nothing.

Mr. TUDOR.—I do not admit that. The reports of the Commission in regard to its Tariff inquiries, which was the first great work that it undertook——

Mr. Austin Chapman.—Great work!

Mr. TUDOR.—Yes. The Commission also conducted an exhaustive inquiry into the sugar industry.

Mr. Richard Foster.—All the reports issued by the Commission have been valuable reports.

Sir Joseph Cook.—That is the trouble. They have been too valuable for this House.

Mr. TUDOR.—Unfortunately, the investigation of the Commission into Tariff matters was conducted at least five or six years ago, and consequently the whole of its reports are to that extent out of date. Had the Parliament dealt with the Tariff some years ago, as I desired it to do, the reports of the Inter-State Commission would have been available for reference, and honorable members would have found them as valuable guides as were the reports issued by the first Tariff Commission in 1908.

Mr. Richard Foster.—Those reports were the only reliable guides that we had.

Mr. TUDOR.—I will not say that they were the only reliable guides, but they were certainly the most reliable guides. I have quoted statistics to show that the amount represented by wages in the production of £100 worth of goods in Australia is steadily becoming less. In other words the wage-earners' share is becoming less. The honorable member for Wakefield (Mr. Richard Foster) says that that result is due to increased efficiency on the part of our factories, to the introduction of improved machinery, and not to the workmen in any way. I dissent from that view. I do not believe that the Australian workman is "going slow" as is alleged. When an amending Customs Bill was before the last Parliament, the honorable member for Hunter (Mr. Charlton) moved an amendment providing that the landed cost of goods in Australia should be disclosed by importers. To that cost might be added, if necessary, the duty collected under the Tariff, the cost of carriage, insurance, freight, and exchange. We all know that it is alleged that many articles imported into the Commonwealth are being sold at four or five times their landed cost. The people of this country have a right to know who is making these enormous profits. I endeavoured to ascertain this information from the manufacturers. I believe that some of the importers derive even greater profits than the manufacturers make. The people of Australia are entitled to this information, and that is why the honorable member for West Sydney (Mr. Ryan) has given notice of his amendment to this motion. No amendment of the Constitution is required to give us the power to ask for statistics relating to the profits accruing to trading corporations or Inter-State shipping. Immediately following the de-requisitioning of Inter-State steamers, there was a substantial increase in freights and fares on those vessels, notwithstanding the fact that the companies had all been doing very well during the war, and while they were requisitioned by the Government, although perhaps not so well as overseas shipping companies. About the time these vessels were released from control, the *Age* published the following comments upon the operations of the Inter-State shipping companies:—

> As already indicated, vessels on the main coastal services will gradually revert to their owners as their current voyages are completed, when a new schedule of increases in freights

and fares—a comparison of which with existing rates is published below—will be immediately applied to the vessels concerned. Despite the fact that certain steamers were already "derequisitioned," ship-owners as a body yesterday maintained an extraordinary reticence as regarded an official announcement on the matter, but inquiries amongst the individual companies elicited the fact that the new schedules represented an "average aggregate increase" of 20 per cent. on existing rates. It was explained that in the case of freights the increase would not necessarily be a direct imposition of 20 per cent. on every existing rate, but an aggregate general increase of 20 per cent., providing for rates slightly in excess of the 20 per cent. for "short voyages," such as Melbourne to Sydney, and slightly lower rates for the "long voyages." The freight schedules had not yet been declared, but the companies' staffs were now busy drawing up the revised lists. One shipping manager characterized the new schedule as "a general 20 per cent. increase with allowances for certain existing anomalies."

It also quoted the increases in freights and fares on these Inter-State vessels, comparing the rates in force prior to the war with the rates agreed to by the Government and those fixed by the companies immediately upon the Government ceasing their control of the vessels. These increases are set out in the following tables:—

FREIGHTS.

Melbourne to Sydney.—Old rate, 14s. per ton; Government's October increase, 15s. 6d.; new rate (approx.), 19s. 6d. per ton.

Sydney to Melbourne.—Old rate, 14s. per ton; Government's October increase, 15s. 6d.; new rate (approx.), 19s. 6d. per ton.

Melbourne to Adelaide.—Old rate, 14s. per ton; Government's October increase, 15s. 6d.; new rate (approx.), 19s. 6d. per ton.

Melbourne to Fremantle.—Old rate, 25s. per ton; Government's October increase, 27s. 6d.; new rate (approx.), 32s. 6d. per ton.

Melbourne to Brisbane.—Old rate, 22s. per ton; Government's October increase, 24s. 6d.; new rate (approx.), 28s. per ton.

In addition to these coastal routes, a similar increase has taken place on the Tasmanian service. The freights on general cargo to Launceston will be 15s. per ton.

FARES.

Melbourne to Sydney.—Old rate, 1st. £2 17s. 6d.; Government's October increase, £3 3s.; new rate, £3 15s. 2nd. Old rate, £1 15s.; Government's October increase, £1 18s. 6d.; new rate, £2 6s.

Melbourne to Adelaide.—Old rate, £2 17s. 6d., and £1 15s.; Government's October increase, £3 3s., and £1 18s. 6d.; new rate, £3 15s., and £2 6s.

Melbourne to Fremantle.—Old rate, £9 and £6 15s.; Government's October increase, £9 18s., and £7 10s.; new rate, £11 15s., and £9.

Sydney to Adelaide.—Old rate, £4 14s. 6d., and £3 3s.; Government's October increase, £5 5s., and £3 10s.; new rate, £6 3s., and £4 4s.

Sydney to Fremantle.—Old rate, £11 and £7 15s.; Government's October increase, £12 and £8 10s.; new rate, £14 10s., and £10.

Mr. RICHARD FOSTER.—The Sea Carriage Select Committee's report will contain a full statement upon this subject, and the honorable member will be astonished at some of the extra running charges the shipping companies have been obliged to meet.

Mr. TUDOR.—I know that the Select Committee of which the honorable member for Wakefield is deputy chairman, and in which he has done a great deal of good work, is in a position to place certain facts before the public. I do not think the people object to any legitimate increase in the cost of any article or service provided for them, so long as it has been rendered necessary on account of payment of higher wages, but when it is due to the inflation of capital by what is known as the watering process, the public have every right to complain. It is impossible for this Parliament to investigate all the ramifications of trade, but if the amendment of which the honorable member for West Sydney has given notice be agreed to our Statistical Department could be called upon to furnish us with returns, not so detailed as we have had them from the Harness Factory or the Clothing Factory, but sufficient to show what proportion of any increase in the price of a commodity or service rendered is due to the payment of higher wages, or the re-organization of a company in order that dividends may be paid upon capital which has never been put into the concern.

Mr. RICHARD FOSTER.—The *Bulletin* every week in its "Wild Cat Column" gives an excellent review of the operations of companies.

Mr. TUDOR. — That is so. I have with me the "Wild Cat" comments on the operations of Messrs. Huddart, Parker, Ltd. I do not quote this company because I have any particular animus against it, but because its balance-sheet was commented upon within ten days of the imposition of the increased freights

and fares, to which I have just drawn attention. The *Bulletin* of the 1st April, 1920, published the following:—

Huddart Parker Limited (Melbourne), from the time when, as the prospectus put it, the company had "reached dimensions too large for it to be continued as a proprietary":—

DIVIDENDS.

December.	Profits.	6 per cent. Preference.	Ordinary.	To Reserves.	Reserves.
	£	£	£	£	£
1912	93,016	28,125	7%=33,125	31,766	28,201
1913	63,058	30,000	5½%=27,500	5,558	33,759
1914	60,460	30,000	5 %=25,000	5,460	39,219
	Profits on sale of assets,		plus transferred		
	from continuen		cy account ..	14,136	53,355
1915	90,634	30,000	7 %=35,000	25,634	78,989
1916	117,140	30,000	10 %=50,000	37,140	116,129
1917	140,645	30,000	10 %=50,000	60,645	176,774
1918	220,747	30,000	11 %=55,000	135,747	312,521
1919	289,387	30,000	11 %=55,000	204,387	516,908

A profit sufficient to give the "ordinaries" almost 52 per cent., after settling with the "preferentials," looks a bit over the odds, particularly at a time when a stiff increase in fares is contemplated. But Huddart Parker did not make it all from trading. The directors give the net earnings for the year as £100,717, but that was after strengthening the insurance fund by £67,954. In addition, from the sale of the s.s. *Excelsior*, *Hebburn*, and *Mceinderry* they realized £120,716 over book values, and that amount was transferred direct to reserves. But even £289,387 may not represent the full net surplus resulting from the year's operations.

This company is not the only shipping concern which is making enormous profits. The Adelaide Steamship Company's net profits admitted for 1916 were £71,531. In 1919, its profits amounted to £117,452.

I am at a disadvantage in discussing this Bill. I did not know that it would be the first business taken to-day until I received my mail at breakfast time. I think it only right that we should accept the proposal of the honorable member for West Sydney, and stipulate that statistics must be compiled by Government Departments setting forth the enormous profits made by these people. It is only occasionally that we can secure a return such as the one I have already quoted from the publication issued by the Bureau of Science and Industry, showing the inflation of capital authorized by the Government in the last three years of the war.

We all know that, although the Commonwealth steamers have been very profitable to their owners, namely, the people of Australia, they have been highly profitable specifically to the producers in keeping down freight rates. But for the Commonwealth having a fleet of vessels in those days, when freight was so difficult and expensive to secure, the cost of exporting our wheat would have been infinitely higher than it was. We ask that all these profits, such as I have been discussing, should be disclosed. We want to know how much money is actually and truly invested in these concerns.

Debate (on motion by Mr. HUGHES) adjourned to a later hour of the day.

PRICE OF COAL.

Mr. HUGHES.—(*By leave.*)—When making a statement in this Chamber on 25th September concerning coal, I promised the House that if, as the result of the inquiries of the Coal Tribunal appointed under the Industrial Peace Act, it was found necessary to increase the price in order to cover increases in wages, I would give the House an opportunity of expressing its opinion upon the subject. As honorable members know, the Tribunal, happily, has been able, as the result of its inquiries, to maintain industrial peace in this vitally important industry. It has made an interim award, increasing the wages of employees in certain directions. As an outcome of that increase, it became necessary, in order to fulfil a promise made to the employers—who were parties to the understanding arrived at between employers, employees, and the Government—to institute inquiries concerning what increase in the price of coal, if any, was necessary to cover the increased cost of wages. This inquiry has been conducted by a Board consisting of Mr. Hibble, chairman, and Colonel Ling and Mr. Jobson. As it was vitally important in the interests of the Commonwealth that the matter should be settled speedily, and as the miners' representatives asked—quite properly—that it be dealt with before pay day—which is to-day—I asked that every effort should be made to complete the inquiry before this day.

Mr. TUDOR.—That is, the inquiry concerning an increase in the price of coal?

Mr. HUGHES.—Yes. But the employers said—and, I think, rightly—that it was not proper that they should be asked to actually pay the increased

wages unless and until provision had been made to grant an increase in the price of coal.

In reply to a question by the honorable member for Capricornia (Mr. Higgs), I said, on Tuesday last, that, as far as over-sea cargoes were concerned, we were allowing the increase. Those would be completed transactions in respect of each charter. In regard to coal sold inside the Commonwealth, during the past fortnight that commodity has been sold on the understanding that whatever price the Tribunal might fix, should be paid by the buyer to the vendor. I am now in possession of a report from the Chairman of the Royal Commission to the effect that the Commissioners recommend an increase of 4s. per ton in the selling price of New South Wales coal, within the Commonwealth, from Monday, the 27th September, pending further inquiry and final report. As the matter is one which permits of no delay, and since this is not a final report, I bring the particulars before the House in order that it may express its opinion now, or suspend judgment—if it please—until an opportunity shall have been afforded it to deal with the final report. This is an interim report and recommendation which will enable trade to be carried on pending further and more complete inquiry as to the effect of the increase in wages upon the cost of production. It is proposed by the Government to issue an order to-day in pursuance of the Commission's recommendation, and I have made use of this, the very earliest, opportunity of taking the House into my confidence so that honorable members may know exactly where we stand. The public will be informed that the price of coal will be increased as from the 27th September, which was the day on which the decision concerning wages was made, but that this is not necessarily the final price. That has still to be finally determined.

The facts are quite clear, and, so far as I know, there is no reason to doubt that the increase in price is amply warranted by the added cost of production. The recommendation does not apply to coal produced outside of New South Wales. Coal produced outside of that State and sold within the Commonwealth must be sold upon the conditions which I explained the other day, namely, that whatever price the Commission does ultimately fix shall be the price to be paid.

Mr. TUDOR.—How will Victoria be affected? Ninety-five per cent. of the coal produced in Victoria is got from the State mines at Wonthaggi and Morwell.

Mr. HUGHES.—Victoria will be affected in this way: All coal hewed in the Commonwealth from the 27th September is sold upon the condition that the price to be paid therefor shall be the price which the Tribunal will ultimately fix. If 1,000 tons of Wonthaggi coal is sold, to any party whatever, that party must buy it at a price hereafter to be determined by the Tribunal. That has hitherto been the case in regard to New South Wales coal. It is now to be announced that the price for New South Wales coal shall be 4s. in excess of what it was formerly, namely, 17s. 9d. at Newcastle. I may add that I consider this price quite reasonable. I need hardly remind honorable members that our coal is still incomparably the cheapest in the world. Coal is the only commodity produced in this country which has not increased in price.

Mr. TUDOR.—If export parity were taken as the basis of payment, it would mean an additional £25,000,000 upon our coal bill.

Mr. PROWSE.—"They" are getting export parity.

Mr. HUGHES.—I see no reason why we should sell the coal of Australia—which is the wealth of Australia—to people outside of Australia for less than the world's parity.

Mr. PROWSE.—Quite right!

Mr. HUGHES.—I emphasize that there is no reason whatever for that course. It would be the act of a fool if we were to sell our commodities to the outside world for less than they are worth; and I do not see why one should pick upon this commodity, and say that the world's parity shall not apply thereto while, in regard to other things, one should hold that the world's parity shall apply.

Mr. BAMFORD.—You confine yourself, in these remarks, to outside of Australia?

Mr. HUGHES.—Yes. Inside Australia, our coal is sold for about one-third of the world's parity—certainly not more than one-half. Coal costs now in

England, I believe, very nearly £2 a ton to place it at grass.

Mr. West.—Forty-three shillings.

Mr. HUGHES.—I thank the honorable member. As usual, I am guilty of modesty in my estimate.

Mr. Prowse.—That is not parity. In arriving at parity there should be taken into consideration what it would cost to convey the commodity here and sell it here, or to take it there and sell it there. That is world's parity. What does the Prime Minister consider world's parity?

Mr. HUGHES.—I do not know what it is.

Mr. Prowse.—I did not think the right honorable gentleman did.

Mr. HUGHES.—I tried to explain it in regard to wheat. All I know is that we are selling coal now within 600 miles of Newcastle-on-Tyne at a lower cost than that at which English coal can be sold. That is the best answer I can give the honorable member. We are selling coal at Genoa, Marseilles, Copenhagen, and Christiania more cheaply than British coal can be sold at those places. We cannot afford to do that. We are selling the wealth of Australia; and the position is absurd.

Sitting suspended from 1.2 to 2.15 p.m.

Mr. TUDOR (Yarra) [2.15].—(*By leave*)—Prior to the adjournment, the Prime Minister (Mr. Hughes) made a brief statement concerning the proposed increase in the price of coal, and I regret that at the moment he is not present, because I do not want it to be understood that honorable members on this side of the Chamber acquiesce in the arrangement that has been made. If there is anything that has borne out the arguments which I put forward this morning in connexion with another Bill, concerning the need for further information, it is the fact that the price of coal is to be increased as from the 27th September by 4s. per ton. We understand, of course, that the increase has been made retrospective to the date mentioned, because that is the date on which the men received an increase in wages; but I believe the people of Australia will desire further information before they will admit that the increase in the price is justified. I am not saying that the workers are not entitled to an increase, or that the coal proprietors are not justified in obtaining a higher rate; but it must not be overlooked that we are producing approximately 11,000,000 tons of coal, and of that quantity 10,000,000 tons are consumed in Australia. The average export of coal is, therefore, approximately 1,000,000 tons, and the increase in price will be on the whole of that quantity as well as on the 10,000,000 tons consumed in Australia. This is a matter of vital concern to the people of the Commonwealth. Much of the coal consumed in the Commonwealth is used by manufacturing concerns, as the quantity consumed for domestic purposes is comparatively small. The increase mentioned will mean that £2,200,000 extra will have to be paid to the coal proprietors. It must be remembered that the increase is to apply only to New South Wales coal. I understand that the Wonthaggi and Morwell mines, both Government concerns, will not be permitted to increase their price of coal to the consumer; at least, for the present. They may be able to increase the price, and make it retrospective; but a fairly large quantity will have been sold and consumed before that is done. A Royal Commission has been inquiring into the coal industry in New South Wales, and I remember quite recently submitting some figures showing the enormous increase there has been in the dividends paid by the coal companies, as disclosed by the investigations of that Commission. Seeing that the people of Australia will be called upon to pay an extra price for coal —I am not saying that it is not justified —I desire it to be understood that we are not agreeing to the increase until we have had further information.

JUDICIARY BILL.

Second Reading.

Debate resumed.

Mr. BRENNAN (Batman) [2.21].—This is not a Bill which under ordinary circumstances would lend itself to lengthy discussion. At the inception of Federation we passed a Judiciary Bill, and since that time it has been amended. I have heard it argued that the fact that an Act has been frequently amended may be taken

as an indication that it is faulty in construction, difficult of interpretation, or, worse still, difficult of administration. I do not think that that is a correct view, because any Act which is much used is likely to require amendment from time to time, irrespective of how perfectly it may be drafted or how useful it may be. The Judiciary Act has not been often amended, and that is a tribute to the person who drafted the original measure. The present amendment is very brief; it is one to which I offer no objection. It is to be regretted that the Minister for Works and Railways (Mr. Groom) was unwilling or unable to allow the consideration of this Bill to stand over until the sponsor of the very important amendment, of which notice had been given, had an opportunity of placing his case before the House. It was only on the last day of meeting that the Minister thanked honorable members for the assistance they had given him in the discharge of public business, and, if I understood him aright, he even acknowledged gratefully the assistance and support which he had received in a general way from honorable members on this side of the chamber. It therefore comes, I am afraid, with very bad grace from him, when a measure of this character is under consideration, to refuse to allow the Bill to take such a place on the notice-paper as would enable those who have given notice of their intention to move amendments to do so.

This amending Bill is rather curious, because its object is to make the Judiciary Act conform to the circumstances which have arisen in consequence of some of the Judges being on leave. It is rather strange that a great instrument like the Judiciary Act should have to be amended to meet the convenience of Judges on leave——

Mr. Groom.—There were difficulties even before the Judges went on leave. I mentioned the case of Mr. Justice Starke's appointment.

Mr. BRENNAN.—It is not long since the amended Act which we are now amending was passed. As the Act then stood we could not have a decision upon questions affecting the Constitution unless a majority of all the Justices concurred in the decision, and it is now proposed to insert the words "unless at least three Judges concur in the decision." It is right, of course, that the Constitution should not be lightly dealt with, even by a tribunal of the standing of the High Court of Australia. It was as the result of very useful experience that the Act was passed which made it necessary for a majority of all the Justices to concur in a decision affecting the Constitution. I am satisfied that such decisions may be given by a majority where there are at least three Judges concurring in a decision. I take this opportunity of saying—it is really the only important matter in connexion with the Bill—that I look forward to the time when the High Court of Australia will be the final Court of Appeal in the Commonwealth. It is the final Court already in a limited number of cases affecting the rights and constitutional position of the States *inter se*. I see no reason at all why the expenses, difficulties, and delays in litigation should not be limited, and why litigants, having disagreed with the finding of the umpire, should not be allowed to go outside Australia to any other tribunal in the hope of getting a reversal of a decision given against them in this country. I do not wish to extol the virtue or wisdom of our Australian Judges, or to underestimate the standing of the Judiciary of the Privy Council; but I do not think it is open to doubt that the standing, from a legal point of view, of the men we have placed upon the High Court Bench is very high indeed. We have been able to raise lawyers of great eminence, and their judgments, though they have sometimes been reversed by the Privy Council, are not necessarily for that reason unsound. As an Australian Commonwealth we should take a very early opportunity of asserting the principle that the Australian Judiciary should be the final arbiter in respect of not only a particular kind of constitutional question, but every question with which the High Court has jurisdiction to deal. My leader (Mr. Tudor), in addressing himself to the question, rather destroyed one argument advanced by himself when he said that he did not pretend to know very much about the Bill or the amend-

ment, because he spoke at fair length upon the Bill, and manifested such a varied knowledge and experience that I do not think any one at the end of his speech could have accused him of being without knowledge of the subject.

Mr. West.—He meant that he lacked legal knowledge.

Mr. BRENNAN.—I know what he meant; but I think he was much too modest in his estimate of his own attainments. The amendment of which notice has been given by the honorable member for West Sydney (Mr. Ryan) is a very hopeful one. There is a very great deal which he seeks to secure by it, and I think it should be carried; but since the carrying of it involves the withdrawal of the Bill, I do not suppose the Government propose to agree to it. The amendment was foreshadowed by the honorable member in a speech which he delivered in this chamber not very long ago. He then pointed out that there was a good deal of misunderstanding as to what are the constitutional powers of the Commonwealth Parliament, especially in regard to the vexed and very important problem of profiteering. I think he succeeded in convincing honorable members on both sides that there does reside in this Parliament very great, if not ample, power to deal with that crying evil. Although I am not one of those who say that the cost of living can be immediately cured by legislation, or that the arbitrary fixation of prices will make this land flow with milk and honey available to all, I do assert with some confidence that the cost of living is a prime question for investigation and report. I also say, with some confidence, that the Constitution provides abundant powers of investigation and report, and that this Parliament and the country should have the benefit of the exercise of those powers. The Leader of the Opposition has already referred to the particular constitutional headings which give us these powers. Our power of taxation, for instance, is unlimited, in so far as it does not discriminate between States or parts of States, and we have unlimited powers also in regard to census and statistics. There are many other constitutional powers under which undoubtedly we might give effect to the purpose of this amendment, which proposes that all the words after the word "That" be left out, with a view to insert in lieu thereof the following:—

> in consequence of the exploitation of the people of Australia by profiteering and of the urgent necessity of dealing therewith, the Bill be now withdrawn for the purpose of introducing at the earliest possible moment more comprehensive measures which will confer all necessary jurisdiction and powers of investigation on the High Court of Australia and other existing Courts for the enforcement thereof, and which for the purposes of exercising the powers contained in the Constitution will provide *inter alia* for—
>
> (*a*) requiring statistics of the cost of production of all goods manufactured in Australia and of the landed cost of all goods imported into Australia.

An attempt has often been made, especially by honorable members on this side of the House, to secure investigation of the important matters referred to in paragraph *a* of the amendment. I cannot conceive of a tribunal better suited for such an inquiry—more to be relied upon to make that inquiry in good faith and with due regard for the interests of all concerned, including the manufacturers and producers as well as the consumers—than the High Court of Australia. Then, again, in paragraph *b* of the amendment it is proposed that the High Court shall be vested with power to—

> require statistics of the profits accruing to trading corporations or derived from Inter-State shipping, and of the rate of profit on the capital actually employed therein respectively.

Our power over corporations is limited under the Constitution, and, unfortunately, has been found in practice to be very much circumscribed. But, at all events, the High Court should be eminently suited for discriminating between those matters over which the Parliament has and has not jurisdiction, and for limiting and directing its inquiries into useful and productive channels. It should, of course, have the power to impose penalties and fines for refusing to furnish such statistics—more than once in this country we have had experience of refusals of that character—and for all the purposes incidental to that class of requirement. I have no objection, so far as it goes, to the amendment of the law introduced by the Government, but I could have wished, to use a phrase often used by the Treasurer (Sir Joseph Cook), that being strong they would have been merciful,

and would have been generous enough to have permitted an opportunity to discuss and consider the much more practical and important matters involved in the amendment, notice of which has been given by the honorable member for West Sydney.

Sooner or later we must give consideration to those questions, and to the solution of those problems, because it is unthinkable that in this land of unbounded productiveness the people should continue to be despoiled by the levy of excessive prices. At the present time our friends in the Farmers' corner are assuring us that we are going to have a wheat harvest which the honorable member for Corangamite (Mr. Gibson) ventured the opinion will amount in value to £100,000,000.

Mr. MATHEWS.—The honorable member for Swan (Mr. Prowse) says that the farmer wants 18s. per bushel.

Mr. PROWSE.—That statement is quite inaccurate.

Mr. BRENNAN. — Perhaps, very naturally, the farmers want all that they can get, but the problem which confronts me is how we are to give the farmers all that they can get, even up to 18s. per bushel, whilst securing to the consumers of bread in the congested metropolitan areas that great boon the cheap loaf. I am one of those who are entirely in sympathy with the primary producers. I have had some little experience of the business myself. I quite realize all that they suffer from drought and other difficulties, which are incidental to the work of primary production. They have good seasons and bad seasons, good times and bad times, but I still think we require very careful investigation of the problem why it is that in a country which produces wheat to an extent enormously beyond the requirements of local consumption, the price of the loaf, which depends on the production of wheat, should be mounting up as if this commodity was really scarce in the land. The same remarks apply to the cost of clothing. Honorable members may talk of the shortage of commodities in the world, but there is no shortage in this country of either wheat or wool, which lie at the base of our greatest needs, the food we eat and the clothes we wear. We have an abundance of wool and wheat in this country, and there should therefore be no spoliation in regard either to the bread which people eat or the clothes they wear. I mention these two commodities as staples on which the welfare of any country rests.

Mr. PROWSE.—Can they be obtained more cheaply in any other part of the world?

Mr. BRENNAN.—That is not the question, and the interjection is no answer whatever to my contention that in a country which produces abundantly any particular article which is much needed, it should be dear or difficult to obtain. It is very easy to understand why wheat should be dear in central Europe, in such countries as Germany and Austria, because there they have not the production. Their substance was wasted in war, and the lands of enemy and friends were devastated by the cursed agencies and engines of war. The shipping, also, which might have been employed to carry foodstuffs to those countries, was reduced. It is, therefore, quite understandable that wheat and bread should be dear there; but why they should be excessively dear in Australia, where wheat is produced abundantly, is a problem which I cannot solve.

Mr. GIBSON.—Those who require wheat can get it at 7s. 8d. per bushel.

Mr. BRENNAN.—With my slight knowledge of farming and wheat-growing, I can recall a time when farmers considered they were doing perfectly well when they obtained 3s. 6d. a bushel. I do not propose for a moment, nor does the Labour party, to do anything to attempt to cut down the just returns of the primary producer. Far from it. We have members in the Labour party who represent farming electorates, and whose interests are bound up with those of the primary producers. As a matter of fact, those members, in competition with candidates representing the Country party, were sent here by experienced farmers in preference to those candidates. That is one reason, although it is not the main reason, why I should be very sorry to seem to oppose the just claim of the

primary producers to a fair price for their products. I merely mention this problem germane to the amendment given notice of by the honorable member for West Sydney, as one proper for solution —why the price of primary products should be mounting up without any prospect of an end to that tendency in a country which produces them in abundance.

Mr. Gibson.—Perhaps the honorable member will answer a question for me. Does he think it fair that 14,000 wheatgrowers should make a present of £1,500,000 to the consumers of wheat in Victoria by giving it to them at 7s. 8d. per bushel, when the world's parity is over 13s.?

Mr. BRENNAN.—I do not expect them to make too many presents.

Mr. SPEAKER (**Hon. Sir Elliot Johnson**).—I am afraid that the honorable member is wandering from the subject before the Chair.

Mr. BRENNAN.—You, sir, have been so indulgent to speakers on the second reading of this Bill, and the amendment —which is very wide—that I have been induced to wander, perhaps, further afield than I ought to have done through the interjections of my honorable friends in the Ministerial corner. Having made these few observations on the amendment of the law proposed by the Government, to which I have no objection, and the amendment of which notice has been given by the honorable member for West Sydney, which I think we might have been given an opportunity to discuss, I shall let the matter rest there.

Dr. MALONEY (Melbourne) [2.49].—I could have wished that the consideration of this Bill might have been postponed until the next day of sitting. If that course had been followed, it is possible that I would not have found it necessary to make the remarks which I propose now to address to the House. I should have listened to what the honorable member for West Sydney (Mr. Ryan) had to say in support of the amendment of which he has given notice, and very likely I could have added little to what he had to say. We are rapidly approaching a condition of affairs in this community which may be regarded as distinctly dangerous. No one knows better than does the Minister in charge of this Bill (Mr. Groom) that sudden changes lead to the destruction of property and credit, and consequent distress in the community. Unfortunately, in looking through the experience of other countries, we find that the distress has often culminated in bloodshed. The community should know who amongst us have made the money, and how much they have made.

On page 1078 of *Hansard* for 15th August, 1917, honorable members will find reprinted a table from, perhaps, the most important report that has been issued since the outbreak of war in any country in the world. I refer to a report obtained by Sir Alexander Peacock, whose loyalty to King and country no one can question, and which included 265 instances taken from the income tax returns showing the profits made by those taxpayers, whose identity is hidden by a numeral, for the years 1914-15-16. I am sorry that the rich persons of the community prevented the extension of that most valuable report, and that the present Government, when asked to follow the noble example set by Sir Alexander Peacock by preparing similar information for this Parliament, refused to do so. No. 105 in that list did not make any profit in 1914, but in 1915 made £8,690, an increase of 800,000 per cent., assuming a profit of £1 in 1914, for in any mathematical calculation some starting point is essential. In 1916, the same taxpayer made a profit of £19,030, or an increase at the rate of 1,903,000 per cent. on the pre-war profit. Those figures were exceeded by the returns from taxpayer 262, who likewise, in 1914, made no profit, but in 1915 made £4,896 profit, and in the second year of the war, 1916, £20,966 profit. Calculating again from the basis of a profit of £1 in 1914, the ratio of increase over the pre-war year was 2,096,600 per cent. Honorable members can imagine how valuable that report would be to Parliament if it were brought up to date. I asked the Government to take steps to let the people know what profits are being made by companies and individuals. I did not ask that the names should be disclosed,

although I do not understand why anybody should object to his income being made known. The income, salary, or allowance of His Majesty the King is well known, so are the allowances of every Minister of the Crown in England and Australia, the Speaker of this House, and even the officers who attend upon honorable members. There is not a member of the Public Service, or an officer of the Defence Department or Navy Department whose salary may not be known to anybody. Why should people be afraid to allow their fellow citizens to know how good are the laws of Australia and how great the potentialities of this country in which they have amassed great sums of money? The present Government may not be prepared to tabulate this information, but surely some day some Government will insist that those who have most shall be made known by either number or name, in order that they may be required to contribute most to the welfare of the community that has been so kind to them.

Over 73 per cent. of the available manhood of Australia offered their services and lives during the war. In comparison with life, a person's wealth is not worth the snap of a finger. Of the 73 per cent. who offered for service 42½ per cent. were accepted, of whom over 33 per cent. went abroad to fight for liberty. How much of "the last shilling" has been collected? One per cent.? Five per cent.? Ten per cent.? No. We have taxed incomes heavily, I admit, but not as heavily as they may have to be taxed in the near future. But as life and blood volunteered 70 per cent., Australia has the right to take, at all events, 35 per cent. of the wealth, if necessary. We are told by our great Statist (Mr., Knibbs) that before the war the wealth of Australia was £1,200,000,000.

Mr. FLEMING.—Those who offered their lives have to pay taxation the same as those who did not.

Dr. MALONEY.—That is the point to which I am coming, and if my remarks do not convey what the honorable gentleman means, I ask him, in justice to me, and in honour to his conscience, to record in *Hansard* what he thinks should be done. Anyhow, I will speak from memory. The estimated value of Australia before the war was £1,200,000,000. It had increased to £1,643,463,376 in 1915. That is a difference of £400,000,000. Would one be accused of being an anarchist if he claimed, on behalf of Australia, and, what is dearer to us, the children who are to follow us, £400,000,000 out of that £1,600,000,000 for the Commonwealth? That would not represent 70 per cent. of the whole, although 70 per cent. of the manhood of Australia offered its life and blood for service in the war; or even 43 per cent., which was the percentage of those accepted for service; or even 33 per cent., which was the percentage of those who were sent away. It would be only 25 per cent.; yet that amount of £400,000,000 would wipe out the whole of the cursed war debt, the interest on which, unless we take some strong action, will be placed upon the shoulders of our children and our children's children, thus carrying on to infinity the curse of the war, and of the Kaiser who caused it. No one appreciates more than myself the fact that if a demand for £400,000,000 were made upon the wealth of Australia credit would tend to be destroyed, the value of property would decline, and the effect would be felt by every house and pastoral run and farm in Australia. I therefore do not advocate that, but there are those who can well spare large sums without being deprived even of the luxuries of life. Our party asked that the whole of the war profits should be taken by the Commonwealth. I again register my protest against what was done with regard to war profits, and warn the Government that if those profits are not taken now we may claim them in the future from those who made them unjustly. Every man in the devastated countries of Europe, such as Germany, Austria, Servia, Bulgaria, Belgium, or northern France would thank his Creator if he could go back to his factory, shop, mine, or farm without one penny recompense so long as it was in its pre-war condition.

The war, with its bloodshed between man and man, is ended, but there is another war coming in our community between those who are becoming richer and richer every day and those who are becoming poorer and poorer. Some of the greatest countries in

the world have been poor. They are judged by the genius of the men who were brought up under their conditions. One multi-millionaire of America or England could have bought all the then value of the older Greece, but the whole world cannot surpass the greatness of the little race that occupied it. They have branded their glory on art, science, and literature which will go on to the end of time, so long as the tongue of man can speak or his pen can write. One can probably name only one man of wealth in those days, and that is Crœsus, but he was not a Greek in the older part of Greece, although he was in one of the Grecian colonies. The valuable document which I have quoted could be made of service if the amendment of the honorable member for West Sydney were carried, or if the Government would take a great action by appropriating by means of taxation the profits made in all the sad years of the war. From my reading of history I know of no country whose wealth was greater at the end of the war than at the beginning, unless one or two cases of victors who gathered the spoils can be quoted as exceptions. For instance, the Spaniards destroyed the value of finance in the then-known world by the amount of gold they garnered from Mexico and Peru, although Spain may have become richer thereby. The great Bank of England three times in its history stopped payment. For twenty years men could not get gold for a Bank of England note. Three times that Bank was saved from absolutely breaking down by the National Banks of Europe, particularly the National Bank of France and, in a less degree, the National Bank of Germany and the National Bank of Russia. Those three periods occurred between 1793 and 1822.

By the courtesy of my Leader (Mr. Tudor), I am able to give a few quotations as to excessive profits. Here let me say that the only cure for profiteering is gaol. The great Napoleon saw that in his penal code, which provided—I speak from memory—"When any men or any body of men come together for the purpose of raising prices the penalty shall be 20,000 francs and six months' imprisonment, but when such increased prices pertain to food such as wine, flour, and bread, the punishment shall be doubled, namely, 40,000 francs and twelve months' imprisonment." It will be noted that the penalty is not a fine with the alternative of imprisonment, but both fine and imprisonment. That great man, with his wonderful organizing capacity, evidently foresaw the age of Trusts and Combines in which we unfortunately live. Here is a quotation from the Melbourne *Argus* of 9th February last:—

> The report of the Committee appointed under the Profiteering Act to inquire into wool-spinners' profits has been issued by the Board of Trade. It shows that enormous profits have been made by spinners. In the highest instances, the excess percentage over the profits officially allowed works out at 3,900 per cent., and in no case is the excess of profit over that allowed by the War Office schedule of fair prices less than 250 per cent. The Committee says that at least half of the forty types of yarn investigated showed a profit of not less than 25d. a pound. The excess percentage accruing to the spinners on some grades of yarn ranged from 2,500 per cent. down to 833 per cent. The spinners objected to the figures on which these calculations were based on the ground that they were misleading, and supplied their own figures, which showed profits ranging from 2,400 to 250 per cent.

If all their profits over 50 per cent. had been appropriated by the nation which permitted them to exist and carry on their industry, they would not have been so anxious to make large profits. If the heads of those concerns which made excessive profits—for instance, the managing director of Coats'—had been put into gaol for a year or two, and kept there until they disgorged, it would have been a good lesson to them for the benefit of humanity all over the world. There is no sempstress who threads a needle, no woman who patches her children's clothes, that is not cursed by the greed of that infamous company.

Mr. Fenton.—It would be a good thing if the State could take over the whole concern.

Dr. Maloney.—The State must do with all such concerns. Perhaps the greatest organizer in the world at the present moment is Mr. Ford, of the United States of America. He is a great peace advocate, but when his country was at war he placed the whole of his splendid factory at the

disposal of the Government for the magnificent return of one dollar a year. It would be a good thing if we could afford to have Mr. Ford over here, in order to organize the Australian community for the benefit, primarily, of the State, and, secondly, for the benefit of the individual citizens. If that could be done, we could look forward to a great Australia that would be an example to the whole world.

It will be remembered that some of my statements in regard to the Anzac tweed industry were contradicted. I am glad to know that these men are now able to earn £5 or £6 per week. If it had not been for, I will not say malign influence, but in consequence of a lamentable ignorance of facts on the part of one Minister, we should by this time have had 1,000 of these men working. There is no reason why this industry should not be carried on in the smallest village. The cost of the looms is somewhere about £15 each, and men can soon learn to use them, and ought, under proper management, be able to earn wages from the first day. I blame Flinders-lane for using its power over a Minister to prevent the development of this industry, because the soldiers said that they intended to sell direct to the people. The soldiers were not allowed to do so, but, in spite of all, the industry is fast developing; and for this thanks are due to Mr. Sinclair, who is one of the bravest men I ever met, in a difficult work such as he had in obtaining for the Anzacs fair wages and hours.

The following is a paragraph which appeared in the London *Times* on the 16th January, and was reprinted by the Melbourne *Herald*—

PROFITS ON WOOL.

STARTLING DISCLOSURES.

Thousands per Cent. Alleged.

Extraordinary disclosures regarding profits on wool startled a meeting of the Central Profiteering Committee. Mr. Mackinder, a Yorkshire warehouseman, reporting on the results of the official sub-committee's investigation as to the costs of six standard counts of yarn, said that the profits now made ranged from 400 per cent. to 3,000 per cent. beyond the War Office's former allowance. The spinners' own figures were quoted in every instance. The Government itself was still making colossal profits.

If the Fair Prices Commission in Victoria were given greater power to ascertain facts, and also power to punish, it would do more good. I accuse the State Government of Victoria of purposely limiting the powers of that body so that its usefulness might be less. The Fair Prices Commission recommended that bacon should be 1s. 11½d. per lb. wholesale, and in the very next issue of the Victorian *Government Gazette* it was shown that the Government had received a tender for the very best bacon at 1s. 5d.

Mr. FENTON.—I suppose that bacon was for one of the Government institutions.

Dr. MALONEY.—Yes. Then the Railways Commissioners of Victoria called for tenders for the supply of wood. Unfortunate householders have to pay 20s. a ton of 40 cubic feet; but in the same issue of the *Gazette* as that from which I have quoted, we learn that the State Government had offered to it various woods at prices ranging from 8s. to 9s. 6d. per ton of 50 cubic feet.

Mr. BELL.—I should not like to cut the wood for that!

Dr. MALONEY.—There are those who would not like to cut it for a much higher price—like myself, on the score of health—but that does not justify the difference. Offers of wood at those prices were received by the State Government, not from one place, but from several places. Why should the Fair Prices Commission be compelled to say that 20s. is a fair price to the householder? The idea is too ridiculous. This Commission will never do any good until it has the power to send offenders to gaol. If a person purchasing 5s. worth of groceries, finds that he is charged 2s. too much and complains to the Commission, all that the Commission can do is to order the return of the 2s., and it is not worth any one's while wasting, perhaps, two afternoons for such a result. What the Commission ought to be able to do is to take the whole of the man's profits as showing an overcharge of 2s. on each 5s. purchase, and devote the total overcharge to the benefit of the community, if the individuals who have suffered cannot be found. It will

be remembered that in the case of the rabbiters a difficulty was found in distributing money obtained in a similar way.

Mr. Jowett.—Was the money distributed to them?

Dr. MALONEY.—No; but in the case of wool, where the amount was large, it was possible to do so. I only hope the smallest wool-grower had his share.

Mr. Jowett.—They had; but the Government never handed the money to the wool-growers.

Dr. MALONEY.—I am the more perturbed, therefore, lest honorable members should not agree to that amendment. I know of nothing that will redound more to the credit of Sir Alexander Peacock than will the report which he obtained some time ago, and which shows the net profits made by companies in Australia during the years 1914, 1915, and 1916. That report is published on page 1079 of *Hansard,* of 15th August, 1917.

I come now to the statements of Mr. Knibbs, the Commonwealth Statistician, who has clearly shown us that the cost of living has increased in a much greater ratio than has wages. The wage-earner has always to follow the price-fixer. I hold that the Government should fix the prices of all our staple commodities. Take wheat as an example. The farmer should be paid a fair price for his wheat, irrespective of whether the season be a good one or a bad one. The price which the miller charges for gristing should be fixed; and, if he refuses to supply flour to any baker, for the first offence he should be imprisoned for one year. Honorable members may think that I am rather harsh in desiring to see him gaoled. But I am like Draco, the lawgiver of Sparta, who ordered the death penalty to be exacted even for trifling offences, and who, when asked the reason for his action, replied, "Most crimes deserve death, and as I do not know of a greater punishment than death, I have ordered its infliction for all crimes, small and great alike." For years past I have resented the imposition of a penalty which provided an alternative as between a fine and imprisonment. I have done so because the man who is possessed of money is thus enabled to purchase his freedom, whilst the individual who has no money is obliged to go to gaol. Justice would be done if both were imprisoned and afterwards required to pay a fine. In the case of a man with no means, the fine could be paid by instalments after his period of imprisonment had expired. In speaking of profiteering in this chamber, on 3rd March last, the Leader of the Opposition (Mr. Tudor) said—

> The firm of J. and P. Coats made a profit of £3,899,000—that is practically £4,000,000—an increase of 50 per cent. over its profit for the pre-war year 1913-14, which was £2,600,000. There are only two ways in which a manufacturing firm can make big profits—by taking them out of its workpeople, or by raising prices to the consumers of the article which it manufactures.

The honorable member for Yarra, it will be seen, put the position very concisely. The greatest organizing genius that the world has ever seen, if placed upon an island alone, would not be able to obtain more than food, clothing, and shelter. It is the association of individuals which enables men to amass wealth in large sums.

I have no doubt that the thoughts expressed by that great man, Dr. Alfred Russell Wallace, will yet sway mankind. In his advocacy of land nationalization he stood alone, and was the equal of the great Darwin, who discovered the law of evolution. When Dr. Wallace was over ninety years of age, in an effort to remove from Britain the curse of poverty, he declared, in one of his books, which is to be found in our Parliamentary Library, "The State must be the heir of all property." The working out of the details of this problem he left to this and other Houses of Parliament. No man who ever attempts to commune with his Maker can fail to acknowledge that poverty is a disgrace to our present civilization. In any great city which I visit I make it a practice to inspect the slums, and to attend the Police Courts and the auction-room sales. I have had the pleasure of sitting upon the Bench in Glasgow, and of sitting below the Bench in Belfast. One can derive a good deal of knowledge, too, from a visit to the auction rooms, where the little household

gods are sold. Following the *débâcle* caused by the land boom in Victoria, we did not allow any auctioneer to sell household furniture in Carlton and Fitzroy, and police assisted us in our endeavours in this direction. If an auctioneer attempted to sell any article of furniture, somebody in the audience would probably ask if it belonged to a woman who was present, and upon receiving an affirmative reply it would suddenly disappear. We stopped that for months and months, and, although it was not according to the law, we felt no twinges of conscience.

I can understand the difficulties of the Treasurer (Sir Joseph Cook), whose billet I would not care to have for double the salary attaching to it, but I think I can show him an easy way out of them. If a table were issued showing in one column the incomes of our wealthy men, indicating them by numbers, and in another column the amounts contributed by them to our various loans, honorable members would receive a shock. I suppose every honorable member knows at least one wealthy man who has not contributed a penny to our loans. I know one who has not done so, and who was one of the loudest-voiced on our recruiting platforms in urging young men to give their lives.

Mr. PROWSE.—We ought to have compulsory loans.

Dr. MALONEY. — The Treasurer knows that in the future he may be obliged to exercise compulsion; but I am seeking to show him a way in which he may avoid doing so. All my efforts have been directed towards the prevention of the destruction of credit. I have been associated with unemployed for thirty years, and the knowledge I have gained in that period has shown me clearly that nothing destroys the credit of the community more quickly than does the presence of a large body of unemployed in its midst. On one occasion I had the honour of assisting to prevent a run on the Colonial Bank in Melbourne, when a number of persons who had a little money endeavoured to make use of the unemployed by handing them bank-notes which they were to wave in front of the bank, with the cry, "We want our money." Early in August, 1914, just after the declaration of war, when it was feared that the Broken Hill mines would be obliged to close down, I wrote a letter to the press, pointing out that if the Commonwealth Government would purchase the whole of the output of metals from the Broken Hill Proprietary Company at the British selling price, the company might keep their mine in full swing, or else, under the law of eminent domain, the State of New South Wales might seize the mine and work it at the risk of the shareholders. During the election campaign which followed shortly afterwards I advocated the same policy on the public platform, and when Parliament met I brought it forward in this House. Subsequently Mr. Baillieu, managing director of the Broken Hill Proprietary Limited, asked me for an interview, and I had several conversations with him. He did me the honour of sending me with a message to Mr. Fisher, who was then Prime Minister, to the effect that if the Commonwealth Government would buy the metals which were mined by the Broken Hill companies, the mines would be kept going at full swing, and would also be willing to accept 30 per cent. less than the selling price of silver in London. Prior to the war silver was selling in London at 2s. per oz. Each ounce of silver would make 5s. 6d. in currency, less 3 per cent. in England for smelting costs, and perhaps 3½ or 4 per cent. in Australia. But, so far as Australia was concerned, seeing that the companies were prepared to accept 30 per cent. less than the London selling price, the cost of silver to the Commonwealth Government would have been 1s. 4½d. per oz. Every £1,000,000 of Australian notes used to purchase silver, when minted, would have produced £3,928,000 in silver currency, less cost of minting. However, Mr. Fisher, acting on the advice of the officials of the Treasury, whose minds, no doubt, run somewhat in a narrow groove, declined the offer. I had used an argument somewhat on the following lines:— "Our Army failed in the South African war, and it may be, though God forbid it, that our Navy may fail in our hour of direst need. Do you not think that, if the German Fleet were coming here to take possession of Australia, every man and woman in the Commonwealth with a

few savings in a bank, would thank you, next to thanking God, if they could draw out their money, even in silver, which, although it might not be worth its face value, they could, if necessary, plant in their yards?" Mr. Fisher allowed the force of that argument. Then I continued, "The German Fleet, on coming here, would issue one regulation, and your bank-notes would not be worth a snap of the fingers." I have gone into figures with an accountant, and ascertained that Australia would have been richer by £20,000,000 if my suggestion had been adopted. If it had been applied to the Broken Hill Proprietary Limited all the metal producers of Australia would ultimately have come under the same rule.

I thank honorable members for giving me their attention. I have only to add that when we are in Committee I propose to move that the following new clause be added to the Bill:—

> Notwithstanding anything contained in this or any other Act, it shall be mandatory upon any Judge, magistrate, or Commissioner, when any case is before the Court, upon the request of an Australian citizen who is under examination or cross-examination, that all future questions shall be asked personally by such Judge, magistrate, or Commissioner to forthwith ask such questions, and in such way as such Judge, magistrate, or Commissioner shall consider right and just, the examining barrister, solicitor, &c., having the right to state his question to the Court, after which the presiding Judge, magistrate, or Commissioner, if he approves the question, shall ask the witness in the way he deems best.

It has long been my object to protect from confusion and insult unfortunate witnesses subjected to the bullying tactics of certain members of the Bar. Whereas a Judge or a magistrate may make allowance for answers given under stress from the box, the witness is not at the same time freed from mental disturbance. Often a Judge has checked brow-beating tactics, and it is well recognised that no Judge would examine a witness in the bullying and insulting manner employed by certain individuals who have earned a Court notoriety. I recall that one Judge, in a New South Wales circuit, asked a witness to step down from the box. He put the examining lawyer there in his stead, and asked, "Are you prepared to produce sworn evidence concerning the statements upon which you are basing your questions?" The answer was "No." The Judge proceeded, "Then, by what right do you ask these questions of the witness?" He ordered the lawyer to stand down and to learn to be more manly, if not more gentlemanly, in his future behaviour in that Court. I know of another Judge who makes a practice of intervening in examination along lines which he considers unfair or bullying. That is well, of course, but it does not save the unfortunate witness from all mental confusion and distress. I look for the hearty support of honorable members in endeavouring to persuade the Government to accept my amendment.

Mr. MAKIN (Hindmarsh) [3.43].—I am pleased that the Government have seen the necessity, at last, for proceeding with this measure. Honorable members on this side are hopeful that it may be a means of assisting them to deal with some of those problems which for a considerable time have agitated the public mind. It was our desire to have been afforded an opportunity to discuss this Bill long ago, so that we might suggest something practicable in relation to the suppression of profiteering. No honorable member present would dare to assert that undue exploitation is not being practised with respect to the necessaries of life. I ask leave to continue my remarks at a later stage.

Leave granted; debate adjourned.

ADJOURNMENT.

Order of Business.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [3.45].—In moving—

> That the House do now adjourn,

I desire to inform honorable members that the first business upon resuming our sittings next week will have to do with further consideration of the Judiciary Bill. I have no doubt that we shall do as well next week, in the matter of the despatch of public business, as we have done during the present week.

Question resolved in the affirmative.

House adjourned at 3.46 p.m.

House of Representatives.

Tuesday, 12 October, 1920.

Mr. SPEAKER (**Hon. Sir Elliot Johnson**) took the chair at 3 p.m., and read prayers.

SALE OF WHEAT TO EGYPTIAN GOVERNMENT.

Mr. MAKIN.—The statement has been made by Major K. J. Saunders, representing the Egyptian Government, that he has signed a contract with the Australian Wheat Board for the purchase of substantial quantities of wheat and flour. Can the Prime Minister inform the House of the nature of the contract, the prices given, and the quantities purchased?

Mr. HUGHES.—The Board considers it inadvisable to make any disclosure at this juncture.

FLINDERS SUB-NAVAL BASE.

Mr. GREGORY asked the Minister for the Navy, *upon notice*—

1. Whether the Flinders Sub-Naval Base was approved in the scheme recommended by Admiral Henderson?
2. What amount of money has been expended—(*a*) in barracks; (*b*) in residences, cottages, &c.; (*c*) in stores, workshops, machinery, &c.; (*d*) in roads, streets, grounds, railways, and tramways; (*e*) in wharfs, embankments, dredging, dredgers, &c.?
3. What is the total expenditure?
4. Is it now proposed to establish a base at or near Geelong?
5. Has the Flinders Naval Base been found unsuitable as a submarine and destroyer base?
6. If so, for what reason?
7. Is there no deep water close to the shore at Stony Point?
8. What depth of water is required for the largest submarines and destroyers at present contained in our Fleet?

Mr. LAIRD SMITH.—The answers to the honorable member's questions are as follow:—

1. A base at Port Western was recommended by Admiral Sir R. Henderson.
2. (*a*) Barracks £70,635
   (*b*) Residences, cottages, &c. .. 20,235
   (*c*) Stores, workshop, machinery, &c. 92,694
   (*d*) Roads and streets £36,256
   Grounds .. 3,103
   Railways and tramways .. 1,034
   40,393
   (*e*) Wharfs £26,658
   Embankments .. 27,830
   Dredging plant .. 95,425
   Dredging .. 81,346
   £231,259
3. £640,130—including labour.
4. A submarine base is established at Geelong.
5. Yes.
6. Port Western is not suitable for exercising our present destroyers and submarines.
7. Yes—in places.
8. For submarines when diving for practice and when running torpedoes for exercises from destroyers 13 to 15 fathoms depth is requisite.

ASSENT TO BILLS.

Assent to the following Bills reported:—

- Arbitration (Public Service) Bill.
- Loan Bill.
- Westralian Farmers Agreement Bill.
- Commonwealth Conciliation and Arbitration Bill.
- Papua Bill.
- Census and Statistics Bill.

PAPERS.

The following papers were presented:—

- Customs Act—Proclamation (dated 15th September, 1920) revoking Proclamation (dated 10th January, 1918) prohibiting the Importation and Exportation (except under certain conditions) of Copra.
- Excise Act—Regulations Amended—Statutory Rules 1920, No. 167.
- Lands Acquisition Act—Land acquired under, at Tharwa, Federal Territory—For Federal Capital purposes.
- Northern Territory—Public Service Ordinance 1913—Regulations.
- Public Service Act—Appointment of W. Campbell, Home and Territories Department.

JUDICIARY BILL.

SECOND READING.

Debate resumed from 6th October (*vide* page 5390), on motion by Mr. GROOM—

That this Bill be now read a second time.

Upon which Mr. TUDOR had moved—

That all the words after the word "That" be omitted, with a view to insert in lieu thereof the words:—"in consequence of the exploitation of the people of Australia by profiteering and of the urgent necessity of dealing therewith, the Bill be now withdrawn for the purpose of introducing at the earliest possible moment more comprehensive measures which will confer all necessary jurisdiction and powers of investigation on the High Court of Australia and other existing Courts for the enforcement thereof, and which for the purposes of exercising the powers contained in the Constitution will provide *inter alia* for—

(*a*) requiring statistics of the cost of production of all goods manufactured in Australia and of the landed cost of all goods imported into Australia;

(*b*) requiring statistics of the profits accruing to trading corporations or derived from Inter-State shipping, and of the rate of profit on the capital actually employed therein respectively;

(*c*) penalties of fine and imprisonment for refusal to furnish such statistics, or for wilfully making false returns;

(*d*) all purposes incidental to the above;

(*e*) the extension of the Moratorium for the protection of primary producers and others requiring same"—

Mr. MAKIN (Hindmarsh) [3.5].—The Minister in his second-reading speech referred to the measure as one of urgency, but I direct your attention, Mr. Speaker, to the fact that it has been on our business-paper since April last, and therefore the conduct of the Government in postponing its consideration is hardly consistent with the remarks of the Minister who is in charge of it. From the first, the Opposition has regarded the measure as of great importance. We hope to amend it so that it may prove of benefit to those who are now suffering from the high cost of living, and particularly to those whose low wages make the position most difficult for them. The consideration of the measure provides an opportune occasion for determining what power should be vested in our Judiciary to enable it to conserve the interests of the people and to protect them from the assaults that the great commercial exploiters are now making upon them. Statistics which have been compiled are ample evidence of a rise in prices for which there is not the semblance of justification, although the attempt has been made to deceive the public in regard to unjust charges by excuses in which the issue is clouded with financial and commercial technical reasoning. There are two questions of paramount importance which it is incumbent on this Legislature to solve: We must ask ourselves whether the rights of the people are being maintained, and their interests conserved. We have just reason to doubt whether parliamentary effort has been properly directed to the faithful service of the people's welfare. We have also to ask whether, by vesting more authority in the Commonwealth Judiciary, we can provide more complete protection for the people. There is a feeling in the minds of honorable members that the provisions of the Constitution limit the power of the Federal Legislature to deal effectively with prices, and it would perhaps be well to make a test case which would enable us to ascertain what the limitations of our power are. I do not know that there is any man who could say with certainty just what power the Commonwealth possesses for protecting the people against commercial exploiters. The amendments in the Judiciary Act now proposed by the Government may have a certain degree of importance, but I do not deem them to be of a far-reaching character. I hope that, as the result of the amendment proposed by the honorable member for West Sydney (Mr. Ryan) we shall have presented to us at the earliest possible moment a measure clothing our Judiciary with far wider powers than they at present possess, to investigate questions of the utmost importance in regard to the cost of production and trade profits. The people are looking to us for such legislation. There are in the community those who say that competition should be allowed to take its full course and to run its own way without let or hindrance. In almost every phase of life, we have a standardization of effort, and certain definite lines are laid down with the object of securing the highest degree of industrial efficiency. In our workshops, the principle of standardization of machinery and appliances for production is being generally adopted. In this way, increased and cheaper production is being secured. The people, however, have not reaped any direct advantage in the shape of cheaper foodstuffs, clothing, or housing accommodation. If standardization is a good thing in workshop practice, then there can be no justification for the failure of the Government to bring prices under the same system. Just as wages are ruled by standards, so there should be fixed prices for certain articles and commodities. In this way, the people might be able to reap some advantage from the greater efficiency resulting from the introduction of up-to-date machinery and appliances in our various industries. It has been asserted that we have little or no power to take action with that object in view. I believe that if a test case were brought before the High Court it would be found that section 51 of the Constitution gives

us all the power that we require in that direction. The Prime Minister (Mr. Hughes) has said that it is impossible to secure from business enterprises the information which the honorable member for West Sydney proposes to obtain by means of his amendment. In support of that contention, he has referred to the decision of the Privy Council in the case of the *Colonial Sugar Refining Company Limited* v. *The Attorney-General of the Commonwealth.* The decision given in that case, however, was not that the Commonwealth Parliament lacked the power to obtain the information which was sought of the company, but that, owing to anomalies in the Royal Commissions Act, the company was able to evade giving the evidence demanded of it. Lord Haldane, in giving the judgment of the Court, very clearly intimated that the Government failed in its claim, not because of want of constitutional power, but owing to bungling in the drafting of the Royal Commissions Act. Had that Act been differently drawn, it would have been possible to compel the company to give all the information required concerning its trade profits and working operations.

It is possible for the Government, at one stroke, to make it unprofitable to be a profiteer, and no Administration that is not prepared to protect the people from the unjust impositions of the profiteers will justify itself in the eyes of the electors. Absolutely extortionate prices have been ruling in respect of various commodities. Even the prices of Australian products and articles of Australian manufacture are being raised with little or no justification. By way of illustration, I would point out that certain twill manufactured in New South Wales and sold by the manufacturer to the wholesale houses at 8s. 6d. per yard, was retailed to the people at 25s. 6d. per yard. When the manager of the clothing department of J. and B. Sniders and Company, of Flinders-lane, was some time ago called before the Fair Prices Commission to account for an increase in the price of goods handled by them, he was asked by the Chairman of the Commission whether there was any hope that for the rest of this year there would be any reduction in the prices for tweeds and serges. Mr. Daniel Solomons, the manager referred to, answered by saying that he did not think that there was the slightest hope, and that in fact prices might go still higher. The Chairman then asked him whether his department was making a bigger gross profit now than it was making six years ago, and Mr. Solomons had to admit that it was. When asked how he accounted for that Mr. Solomons gave about the only answer that could be given to such a question by many profiteers. He said—

> It is the ethics of business. It is like the old song, "Everbody's doing it."

As a Legislature claiming to be concerned about the welfare of the people we should not allow such a condition of affairs to continue to exist without doing all in our power to compel such people to deal justly with the community, and be content with reasonable profits.

I find that the Housewives Association of Victoria is endeavouring to deal with the high cost of living, and apparently the only way in which they can successfully deal with the matter is to agree amongst themselves to do without goods which otherwise they would desire to have. They are to-day practically issuing an order prohibiting the purchase by their members of goods for which exorbitant prices are charged.

Mr. BELL.—They are wiser than some of the politicians.

Mr. MAKIN.—They are certainly moving a little faster than are some of those who claim to be serving the best interests of the people. I give every credit to this association that is doing its part in directing attention to the fact that the different Legislatures have so far failed to protect the people from those who have grossly abused the opportunity to levy exorbitant charges upon them.

I admit that profiteering is world wide, and is not confined to the Commonwealth, or any particular State. Still, I fail to see why the people of this country should be subjected to exorbitant charges, especially for goods that are manufactured in Australia for much less than the prices charged for them. I have been prepared to afford protection to local industries, in order to assist in making this country self-contained, but I am not prepared to support industries carried on by persons who take an unfair advantage of

the people by charging extortionate prices for goods manufactured here.

Dr. Maloney.—We shall have to nationalize those industries.

Mr. MAKIN.—I agree with the honorable member that the best way to deal effectively with the high cost of living is for the people themselves to control the industries engaged in the production of the goods they require. We know that State enterprises are subjected to a great deal of hostile criticism, but in Queensland the prices ruling for goods which the State has entered into competition with private persons to supply to the community are lower than where private enterprise has the field to itself. That fact justifies the claim of the honorable member for Melbourne (Dr. Maloney) that not until we secure the nationalization of these industries will the people be in a position to obtain the goods they require at reasonable prices.

This has already been proved in the timber trade. There may be some aspects of the recent purchase by the Commonwealth of saw-mills and timber areas in Queensland that should be the subject of inquiry; but as soon as the timber Combines in this country became acquainted with the fact that the Commonwealth Government had entered into competition with them to secure the timber necessary for War Service Homes, the manager for one of the leading timber merchants in Adelaide said that he did not think that the investment made by the Government was a judicious one, because we were just on the eve of a fall in prices of timber, and the Commonwealth Government would consequently sustain a loss on the transaction. It was not until the Government, by nationalizing, to some extent, the saw-milling industry, entered into competition with them, that we were able to secure from those engaged in the timber trade the assurance that a fall of prices in the industry is likely to occur. I think a similar result would follow the competition of the Government in other industries; and until the State assumes direct control of them, the community generally will not be afforded the measure of protection to which they are entitled.

We could relieve the existing situation considerably by adopting the remedy suggested by the honorable member for West Sydney (Mr. Ryan), namely, by requiring statistics of the cost of production of all goods manufactured in Australia, and of the landed cost of all goods imported into Australia, statistics of the profits accruing to trading corporations, or derived from Inter-State shipping, and of the rate of profit on the capital actually employed therein respectively; with penalties of fine and imprisonment for refusal to furnish such statistics, or for wilfully making false returns. The present form of trading governing the affairs of the commercial world to-day is doing much to undermine the confidence of the people in constitutional media of government. The contempt into which political action is falling is due to the contrast between political forms of Democracy and the economic reality of oligarchy. We find that the class of profiteers and commercial plunderers is a standing menace to the supremacy of constitutional authority, because it is fast driving people who have hitherto held moderate views, and have been content with political action, into a feeling of disgust with those means of endeavouring to improve their conditions, and is making them heed the advice of those who say that they can have their conditions of life improved by a complete overthrow of the present social system, and the vesting of authority in the people themselves. I am one of those who have stood always by constitutional action. I have always believed in the adoption of political media for securing reform; but I must confess that there is great justification for the advice tendered by those who say that little or no assistance has been given by our legislators to the people to enable them to contend successfully with the high cost of living as it exists to-day. According to a summary which has been prepared, the average number representing the cost of living in the years 1912, 1913, and 1914 was 85, whereas in 1919 it had risen to 205.6. It cannot be contended that the increase in wages has been anything like equivalent to that increase in the cost of living. The difficulties confronting the working community of Australia are becoming harder each day, and a great number despair of ever

being able to catch up the arrears into which they have fallen during recent years; suffering is universal because of exorbitant charges; anxiety is becoming intensified, and privation is rampant. Since these are the facts, we should be prepared at least to make the necessary inquiries to ascertain the reason for the present state of affairs. We should endeavour to investigate the ramifications of profiteering, and the Government should be ready to prove the sincerity of the desire which they profess to relieve the people of the hardships of life. If they really want to free the people of the tremendous burden represented by the present high cost of living, they must do something of a practical character, such as the honorable member for West Sydney suggests. I urge them not to regard the amendment from a partisan standpoint, but to recognise in it a sincere desire on the part of the Opposition to assist them to find a means whereby there can be brought to justice those persons who dealt so unfairly with the people during the whole course of the war, and who even now, in times of peace, are aggravating the offence. There cannot be any reasonable excuse for the Government refusing the opportunity now afforded to them to do something practical to deal with a question which so agitates the public mind. It is an unfortunate, and even an outrageous, feature of our system of government, that we should have to admit that this Legislature, which is supposed to be clothed with full power to govern the destinies of Australia, and to conserve the best interests of its people, is unable to control those agencies which to-day are doing so much to bring down the standard of living to such a dull, sordid level as is now being created. I hope that, as the result of the remarks of honorable members on this side, the Government will do their part to put into effect the suggestions of the honorable member for West Sydney. I trust that they will withdraw the Bill temporarily, with the object of bringing in at the earliest possible moment a more comprehensive measure to deal with matters which are of such grave importance to the whole community. Surely the fact that we have power over imports and exports suggests that we can do something to help the people to secure the necessaries of life at a lower margin than is possible to-day, especially in the case of goods which are manufactured in our own country. Unfortunately, there are a number of Australian manufacturers dealing unfairly with the people by availing themselves of the protection of the Tariff, and, at the same time, charging prices almost equivalent to those demanded for imported articles of a similar character. In view of comparisons which can be submitted between the cost of manufacturing different goods in this country and the cost of similar imported articles, it is the duty of the Government to see that local manufacturers, who are given the benefit of Tariff protection, extend to the people that share of the benefit which they have every right to expect and demand.

Mr. FENTON.—There is a fair margin between the price of an imported article and a similar local article of good quality.

Mr. MAKIN.—I quoted the case of twill manufactured in New South Wales at 8s. 6d. per yard, and retailed to the general public at 25s. 6d.

Mr. FENTON.—Yes. The wholesaler comes in there, and reaps an immense benefit.

Mr. MAKIN. — Another reason for this anomaly is the attitude of the manufacturers, many of whom deal only with the wholesale firms. They will not supply direct to the retailers. This system of imposing double profits on the consuming public is grossly unfair, and whilst I have a seat in this House I shall do all I possibly can to speed up the machinery for affording relief, especially as we understand the Government are clothed with sufficient power to do all these things if only they had the courage and strength to face the position. I may be permitted to refer to a case that, perhaps, is *sub judice,* in connexion with which it is stated, on behalf of the wholesalers, that a profit of 22½ per cent. is not sufficient to cover overhead charges. In my opinion, that profit gives a very wide margin. It is far above what I am prepared to allow to any trading firm. We should do all we can to bring prices down to the very lowest point. I hope, therefore, that the Government will do their part by endeavouring to clothe the Judiciary with sufficient power to deal effectively with those profiteers who have made such inroads upon the welfare of the people of this country.

Mr. LAZZARINI (Werriwa) [3.44].—It should be unnecessary for honorable members on this side to urge upon the Government the necessity of incorporating in this Bill the principles laid down in the amendment submitted by the honorable member for West Sydney (Mr. Ryan). During the last election campaign, when candidates of both parties were seeking the suffrages of the people, profiteering, which is dealt with in this amendment, was a burning question, and candidates representing the Government side of the House claimed to be just as anxious as were their opponents to deal with the evil. Well, they are now behind the Government; but, up to the present, nothing has been done to ease the burdens which the profiteers have been placing upon the community for a number of years. We were even told, on one occasion, that the Prime Minister (Mr. Hughes) intended to shoot the profiteers. Surely, then, some effort should be made to redeem these promises made to the electors, and which they accepted in good faith by returning the Government to power. Subsequently, when a no-confidence motion was being debated, we were told by Ministerial supporters that, as the Government proposals were turned down at the referendum, they had no power to deal with profiteering. The honorable member for West Sydney, however, challenged the suggestion, and, in support of his views, he has taken this, the first, opportunity afforded him, of embodying them in the amendment he has moved to the Bill now under consideration. Even if the Government had not power to deal with profiteering, one would have thought that, immediately they were placed upon the right track, immediately it was shown that it was possible to do something, their first act would have been to pass a measure to put down the evil. But, as a matter of fact, this Bill, in which it is possible to do something, has been for some time consistently at the bottom of the business-paper. We have spent a great deal of time during the last few months in consideration of measures intended to deal with industrial troubles; but, so long as profiteering continues unchecked, all the time occupied by this Parliament on those measures to which I have referred, will have been wasted, because this industrial unrest has its root-cause in the economic condition of the workers, who find themselves menaced by the profiteering practices of the commercial and moneyed classes of this country. One would have thought that common sense would dictate to the Government the necessity for prompt action, because, while Wages Board and Arbitration Court awards may have the effect of increasing wages, we are moving in a vicious circle, because after every award employers put up prices to a higher level, so that, instead of being worse off, they are really better off. The wages awarded by the Arbitration Courts or Wages Boards are always the maximum rates paid, and although they are the highest rates to which the worker is entitled, there is no restriction on the manufacturer as to the price he shall charge for the commodity he produces. It is useless speaking of industrial peace, and of wasting our time in this Parliament endeavouring to improve the position by other means, because the worker cannot expect any improvement until profiteering, which is keeping so many on the bread line, is checked. It is not a question of wages, because, comparatively speaking, the rates paid are sufficiently high to enable the workers to live in reasonable comfort; but the difficulty arises from the prices at which the necessaries of life are sold. It is merely a question of reducing the cost of living by compelling manufacturers and others to dispose of their products at a price more in conformity with the cost of production. That can only be done by giving the Court the powers set out in the amendment of the honorable member for West Sydney (Mr. Ryan). The question of profiteering was a burning one at the recent election, and it is one that has been agitating the minds of thoughtful men the world over. It is a problem that must be solved, and we are telling the people that this Parliament has no power to deal with it. There is nothing more calculated to bring the Government into ridicule, or to stimulate direct action, than to tell the people that we have no power to deal with profiteering, and it will be difficult for those who still have faith in constitutional government to stem the tide of growing indignation and disgust towards parliamentary

government. In New South Wales a Necessary Commodities Commission, presided over by Mr. Justice Rolin, has just published its report, from which it would appear that there was no evidence to prove that excessive profits had been made in the clothing trade. I believe it was stated by the learned Judge that there was a profit of only 5 per cent. on the turnover; but it is useless to endeavour to gull the people in such a way when they know that clothing is being sold at ridiculously high prices. It is useless for a Commission to report that excessive prices are not being charged when working men realize every time they receive their pay that its value has been reduced owing to the increased cost of commodities. The agitation and discontent at present existing is likely to end in revolution unless this National Government tackles the problem seriously, and exercises every means at their disposal to check profiteering. It is hardly necessary for me to go into details in regard to prices, and the profits that are being made, when children in Melbourne and other cities are going bootless because of the prices that are charged. Ask the children in every city and town in Australia who have to go to bed, if not hungry, at least with their appetites not satisfied, if there is any profiteering. Ask the housewife, who experiences considerable difficulty in making ends meet, if there is any profiteering. The amendment provides that statistics of the cost of production of all goods manufactured in Australia, and of the landed cost of all goods imported into Australia shall be obtained. Had such a provision been incorporated in our Judiciary Act, these "get-rich-quickly" gentlemen would not have been able to charge excessively high prices, even before the war. Some time ago I was asked if I was prepared to handle felt hats, which could be landed in Wellington, New South Wales, at 14s. 3d. each. The commercial representative of the manufacturers strongly recommended the line; but I was informed that I could not obtain a single hat until I was prepared to enter into an agreement not to sell them at less than 25s. each. That was in pre-war days. The same class of hat is now being sold in Melbourne and Sydney at 45s. or 50s. each, although they can be landed in Australia at approximately 30s. to 35s. each.

Mr. MATHEWS.—The same can be said of all imported hats.

Mr. LAZZARINI.—Yes. In pre-war days the Borsalino hat, which in Italy cost about 5s. 6d. or 6s., was sold in Melbourne at 12s. 6d., but they cannot now be purchased under 25s. or 30s.

Mr. FLEMING.—That is profiteering in another country.

Mr. LAZZARINI.—No; I am speaking of the prices here. Quite apart from the price of imported articles, we have only to refer to the cost of boots. The price of hides, plus the cost of tanning, is the basic cost. The prices of boots are chiefly determined by the prices of leather. But have the prices of boots declined in sympathy with the reduction in the prices of leather? Only to a very small extent. Boots which up till three years ago could be purchased for 12s. 6d. per pair are to-day being sold at 25s. and 27s. 6d. per pair. I do not desire to go into details regarding the increased prices of many commodities. The little children are familiar with them. But there is one matter which was touched upon by the honorable member for Hindmarsh (Mr. Makin) to which this Parliament might very well devote its attention. It should spare no effort to deal effectively with the Combines and Rings which exist in the commercial world to-day, and which constitute one of the means by which profiteering is successfully carried on. In particular we should give earnest attention to the honorable understanding amongst our manufacturers that they will unload their goods only to warehousemen and soft-goods middlemen. If the consumer could purchase lines of clothing, hats, and boots direct from the manufacturer, the prices of these goods would be reduced by 25 per cent. or 30 per cent.

Mr. FENTON.—By more than that in some cases.

Mr. LAZZARINI.—Very likely they would be reduced by much more than that. If we can bring the consumer into direct touch with the manufacturer, we shall certainly eliminate the profits of the middlemen, and we shall do something to restore healthy competition. Whatever may be said by the opponents of this amendment, it certainly contains provisions which would make for the effective control of profiteering. This Government, which was going to shoot the profiteer at sight, will fail in their duty to

the people of this country and in their pledges to the nation if they do not take drastic action in the direction which has been outlined by the honorable member for West Sydney (Mr. Ryan). The more convinced our people become of the failure of parliamentary government, the more will they be impelled to resort to direct action, so that a revolution cannot be far off.

Mr. **MATHEWS** (Melbourne Ports) [4.4].—A proposed amendment of the Judiciary Act is tantamount to a proposed amendment of the Constitution, because the powers which have been vested in the Justices of the High Court practically make them the moulders of our Constitution. When the Federation was inaugurated the statement was freely made that under our Constitution the Commonwealth possessed certain powers. But we had not proceeded far when we discovered that those powers were really determined by the provisions of the Judiciary Act, which conferred upon the Justices of the High Court the power to make our Constitution just what they thought it ought to be. When that Tribunal was first established it consisted of only three Justices, but this number was soon increased to five, and, ultimately, to seven. As the years passed we were disappointed to find that these Justices gave decisions regarding the powers of the Commonwealth which did not agree with what we conceived to be the intentions of the framers of our Constitution. As the Justices of the High Court make our Constitution, honorable members ought certainly to exhibit some interest in the Bill to amend the Judiciary Act which is now under consideration. I certainly intend to express my opinion upon it, even though I may be regarded as an egotistical ignoramus for my temerity. Though a layman may not be able to give a very precise definition of what this measure really means, I doubt whether the lawyers in this Chamber can do very much better. The measure which we are now considering might just as well provide that if three Justices of the High Court give a unanimous decision upon any matter affecting the interpretation of our Constitution, their judgment should become the law of the land. In 1912 section 23 of the Judiciary Act was altered to provide that—

> A full Court consisting of less than all the Justices shall not give a decision on a question affecting the constitutional powers of the Commonwealth unless a majority of all the Justices concur in that decision.

The Government have evidently discovered that even that provision will not meet the exigencies of the position, because it is idle to provide for a majority decision when only four Justices may be available. I take it, therefore, that Ministers are now desirous of altering the measure, with a view to providing that the concurrence of three Justices upon any such matter shall be sufficient. The Minister for Works and Railways (Mr. Groom) is quite satisfied that the measure provides for all that is necessary. But during the past thirteen or fourteen years all the lawyers in this Chamber have been similarly satisfied. Why should we not allow the Judiciary Act to remain upon our statute-book unaltered until the Constitution can be amended in such a way as to clearly set out what are the powers of the Commonwealth? What can the measure which is now before us actually accomplish? It may make it easier to get a decision from the High Court upon constitutional matters. The Minister (Mr. Groom) will agree with me that if three Judges among seven give a decision which is accepted as law, that decision can at any time thereafter be upset by the remaining four sitting together in Full Court. As a common layman, I know that I should speak upon these matters with bated breath; but, judged from the view-point of the man in the street, it would seem that three cannot possibly form a majority among seven. The more I endeavour to study the matter, the more it appears to be a case of confusion worse confounded. The honorable member for West Sydney (Mr. Ryan) has set up a contention as to the correctness or otherwise of which I cannot venture an opinion, but I feel free to say that his argument is, at any rate, as feasible as anything else within the scope of the Judiciary Act. Moreover, his suggestion, if it were adopted, would be much more useful to the people than most of the other provisions contained therein. The men who are robbing the people today have a comparatively free hand because the public do not know exactly how

and in respect of which specific items they are being robbed. If I were to buy a hat branded "Galatea"—I do not know that there is a hat so branded—and if I were to be charged 25s. for it when I knew from a *Gazette* intimation that such hats had been sold to the retail merchant for 120s. a dozen, I would perceive that the shopkeeper was trying to make a profit of 150 per cent. out of me. The fact of the price having been publicly gazetted would make the most daring profiteer hesitate. The trouble is, however, that the retailer might get out of his difficulty by erasing the original brand, and selling the hat under another name—not gazetted, of course—still at 150 per cent. profit.

Mr. GROOM.—The honorable member was in better form when dealing with the constitutional aspect. I suggest that he revert to that.

Mr. MATHEWS.—I am talking about something of which I have knowledge at the moment. I feel certain that if we were to legislate to compel the gazettal of prices there would be considerably more reluctance on the part of the trading community to profiteer. I must repeat, however, that there would still be opportunities to evade publicity in the matter of prices by changing the branded names of clothing and the like. If a retailer were to buy from a wholesale house a shirt branded "Prince of Wales," at the rate of 72s. a dozen, and if he were to try to sell me that same shirt for 15s., I would know, upon reference to the *Gazette*, that he was proposing to make 150 per cent. profit. Such knowledge would put an end to profiteering—so long, I repeat, as the retailer did not evade the publicity of his deal by changing the name of the commodity which he was selling. But I do not wish to insinuate that the retailer is the only profiteer; he also has his troubles. I see no reason why we should not take these proposed powers to end profiteering. I do not say, of course, that legislation along the lines indicated in the amendment would immediately succeed, for it would be experimental, and might not be perfected straightway. I remember when it was decided to insure correct weight in respect of the sale of a 2-lb. loaf of bread. Many bakers were fined for selling under weight. However, a brainy man conceived the idea of selling his bread under a fancy name. He called it a French loaf, or something of the kind, and he was then not compelled to guarantee it to be a 2-lb. loaf.

The opinion is gaining strength in Australia, as well as in the Old Country, that it would be well to fix the prices of standard articles of clothing, furniture, and other things. That would be very well if everybody were to agree to wear standardized clothing. However, there are too many people who would not be seen in a standardized suit or pair of shoes, and these proud folk would still be prey for the profiteers. There are plenty of women who will pay as much as £3 10s. for a pair of boots worth really about 25s. Standardized clothing would not appeal to them. However, from empty pride, some may prefer to be robbed, but for those who are civilized, and who are only desirous of wearing clothing for comfort, standardized articles could be supplied. Various Governments in Australia have attempted since 1914 to fix prices, and found it most difficult to do so. It is a difficult task, I admit, but to make such an admission is merely to play into the hands of the direct actionists. They say that it is impossible to legislate against profiteering, and that relief can be obtained only by direct action. Therefore those who are opposed to direct action must use every means possible to enable Parliament to give effect to the wishes of the people. I have given instances of the way in which the suggestion of the honorable member for West Sydney may be evaded; still, by the exercise of common sense, I think it would allow those who are determined not to be robbed an opportunity of preventing to some extent the depredations of profiteers. I know that the Government are not prepared to accept the excellent suggestion of the honorable member for West Sydney, whom the Prime Minister (Mr. Hughes) in the early part of the session proclaimed to be not a constitutional lawyer—of course, he was quite mistaken, because by the cases he has taken to their utmost limit in the Courts, and won, the honorable member has proved that he is a constitutional lawyer. They will not accept any suggestion, except, perhaps, one on a matter of small importance, from

any honorable member of the Opposition. The day is far off when the House will accept from any honorable member a suggestion which is good. We are still obliged to adhere to party government; otherwise we would have strong press rule, which would be even worse. However, although they are not prepared to take the big departure now suggested, I hope the Government will take some of the points from the honorable member's suggestion, even if they dish it up in some other form, so that they may give the people some opportunity of preventing profiteering. If the Government would accept the suggestion put forward, evasion by traders would not be as easy as it is to-day. In the street, one may see a pair of boots advertised at 35s., and in another window a pair marked at 45s. may be of exactly the same make. Of course, a man's pride may lead him to purchase the higher priced article—nothing on earth would save a man from wasting his money in that way—but there is a great section of the community who do not desire to be robbed, and having a limited amount of cash, and great responsibilities in their homes, cannot afford to waste money for the sake of empty pride. However desirous we may be of placing on the statute-book legislation for the benefit of the people, it will not be beneficial to them if they themselves will not assist in giving effect to it. But the suggestion of the honorable member for West Sydney would at least afford assistance in beating the profiteers. We hear a great deal of talk about the universal desire to bring down the high cost of commodities, but to me the possibility of bringing it down seems very remote. My trouble is to prevent prices from rising further, and I believe that if the Commonwealth and State Parliaments were really in earnest, they could prevent the inflation of prices above their present level. Of course, the real value of an article is based upon the amount of profit earned by those who sell it, and if, by any set of circumstances, the vendors are able to force the public to buy at higher prices, naturally they earn greater profits. The great fear of vested interests to-day is that a crash may follow any drop in prices. When we see cablegrams in the press announcing a drop in prices in other countries, we also see the fear expressed by those who deal in the particular commodities affected and in allied lines that there may be a general crash all round. I believe that if ever we have a repetition of the crisis through which the State of Victoria passed in the nineties, there will be an enormous drop in prices. It was the working section of the community which suffered most during that crisis. I am willing to risk the charge being levelled against me that I am endeavouring to bolster up profiteering when I declare that I do not wish the people I represent to experience again all the horrors of that period. If it had not been for the discovery of gold in Western Australia, the people of Victoria would have starved, notwithstanding the fact that, at the time the State was enjoying bountiful harvests. The boom which preceded the period of depression had deflated prices considerably, and people were making large fortunes out of them, until the howl for economy arose, and the Paterson Government came into power, and by applying that economy caused a heavy "frost," which was accompanied by a tremendous drop in prices. I have no desire to see that time arrive again. But I claim that legislation of the character suggested to-day, if the Government and the people were all desirous of helping, would prevent any further inflation of prices until we could re-arrange economical conditions in the body politic. Of course, if the Government does not desire to do this, to advocate it is merely to talk to the wind. But on three occasions already I have told the people of this State, and I shall continue to do so on every opportunity I get during the present electoral campaign, that the high trend of prices can be stopped if the Federal and State Governments desire to stop it. The State Parliament undoubtedly possesses sovereign powers, though the exercise of those powers may raise this difficulty, that the lessening of the price of a commodity in Victoria may mean that it will be sent to some other State for sale. I understand that we produce only half the hides that are used in the manufacture of leather in this State, and it has been said that were the price of leather reduced, hides would no longer be sent here from other States. Therefore, the State powers have their limitations. Surely, however, the people have now arrived at the knowledge that the only Parliament that could deal effectively with profiteering is the Commonwealth Parliament. It is said that we

have not now the necessary power, though a recent decision of the High Court considerably modified the view previously expressed as to our position. The proposed Convention for the alteration of the Constitution may take years to do anything, and if in the interim we can prevent the rise of prices, we should try to do so. The amendment of the honorable member for West Sydney provides an opportunity. Every member must admit that were effect given to it, traders could not continue to rob the people with their present impunity. As for the alteration of the law proposed by the Government, in my opinion it will mean that on high constitutional questions a three-power vote may govern a seven-power organization. Of course, one of the four Judges not sitting on the case might agree with the three who dealt with it; but, on the other hand, four of the seven Judges might hold an opinion contrary to the decision of the three who determined the matter. Under a proposal like this we get no stability, and, although the Minister may twit me with not being a lawyer, I say that laymen can foresee the effect of laws just as well as lawyers can, and I have followed the decisions of the Court on the constitutional powers of this Parliament with fear and trembling. We thought at first that the thirty-nine articles of the Constitution gave us the powers which they were intended to give; but the High Court said that that was not so, and we have been floundering ever since. The honorable member for West Sydney, however, has conceived a method whereby we may frighten the profiteers from charging high prices, and I think that the Government should adopt it.

Mr. FENTON (Maribyrnong) [4.36].—A conference of women that recently met in Melbourne determined that they would discontinue the wearing of gloves until the prices of these articles became more reasonable. A mere man, perhaps, has no right to enter upon what may be regarded as the preserves of the womenfolk, but I have often said in my own family circle that the wearing of gloves does not enhance a woman's appearance, and that they are not necessary except in biting cold weather. For a woman to wear gloves on a swelteringly hot day is to make herself uncomfortable. The women know how difficult it is nowadays to get much for £1, and I believe, with them, that the public would do much to bring down prices if it resolved to abstain from the purchase of many articles for which it is now charged an exorbitant rate. But in striving to reduce expenditure a family might deprive itself of commodities absolutely necessary for the sustenance of its members, and no Parliament could stand idly by and allow such sacrifices. It may be said, "The people have the remedy for the present state of affairs in their own hands; let them take it"; but a Parliament that had the power to reduce high prices, and did not do so, would be unworthy. The Hungarian Parliament has passed laws imposing penalties for profiteering, and has enacted, among other things, that a person found guilty of charging excessive rates for goods shall be taken into a public square, there to receive so many strokes of the cane.

Sir JOSEPH COOK.—I would rather go elsewhere for my examples.

Mr. GROOM.—The honorable member is getting a long way from the measure before the House.

Mr. FENTON.—The amendment is all-embracing, and it is the real essence of the Bill.

Sir JOSEPH COOK.—No. It provides for the withdrawal of the Bill.

Mr. FENTON.—How would it be if we had a law like that of Hungary, so that a member of a big Flinders-lane firm found guilty of charging too highly for goods might be ordered a public flagellation in one of our parks? It is said that the result of this kind of legislation elsewhere has been the reduction of the cost of living.

Mr. HILL.—Why, then, not provide in the amendment for such a penalty?

Mr. FENTON.—If there are in the community any persons who should be publicly flagellated, it is those who are extorting too much money from the poor. I know of no greater crime. Ministers sitting here in comfort and ease care not how the public may suffer. They know that they have a majority which will outvote the amendment. They are content to stand by and allow the public to be fleeced, as they did during the war period, doing nothing to relieve the distresses of the people, notwithstanding that many of those who are suffering most are the families of men who sacrificed their lives in

the defence of the businesses of the profiteers. These words of protest against the profiteers are resolving themselves into mere platitudes because of their oft-repeated utterance, but they are none the less true. Mr. Knibbs, in his June *Bulletin*, gives figures showing that between 1914 and 1920—a period of the greatest storm and stress the world has ever known—the greatest professional robbery has taken place, yet the majority in this Parliament are not lifting a little finger to relieve the people.

Mr. Riley.—When the honorable member for Balaclava (Mr. Watt) comes back something will be lifted.

Mr. FENTON.—I am afraid he will not afford the people any relief.

Mr. Considine.—He may shift the Prime Minister (Mr. Hughes).

Mr. FENTON.—I cannot say that "W. Watt" is any more an anti-profiteer than is "W. Hughes." The only way in which the people can obtain relief is by practically changing the face of this Parliament. That can be secured only by an appeal to the people. Unfortunately, when the people are appealed to, they sometimes allow trumpery, flimsy, extraneous questions to influence them in the exercise of the franchise. I do not hesitate to say that those who allow themselves to be so influenced, and return to Parliament men of the class supporting the present Government, deserve all they get. The Inter-State Commission, in various reports presented to the Government during the last three years, have suggested methods by which the people might be relieved. The Government, however, stand idly by. They allow the people to suffer, and the profiteer to carry on at his own sweet will. If Flinders-lane merchants, or others who are charging excessive prices, knew that they were likely to be publicly caned for doing so, we should soon have drastic reductions. Woollen goods, which, notwithstanding the high price of wool, are being sold by the local woollen mills at from 10s. to 12s. per yard, are being sold by the wholesale houses at 22s., 28s., and 35s. per yard. A Government that will allow that sort of thing to continue is not fit to remain on the Treasury bench, and the majority which supports such a Government is unworthy to sit in Parliament. The figures I have just given as to the price of woollens are not my own, but have been presented in evidence before a Committee of Investigation.

The Government object to this amendment, but they do not say that, while they consider this is not the time and the place to introduce such an amendment, they are prepared, as soon as possible, to introduce a Bill which will enable us to put down profiteering. When we make a suggestion to them they say, "You know full well that it is useless for us to attempt anything of the kind." The Prime Minister (Mr. Hughes) goes further and says, "Did we not submit a proposal to the people nine months ago that this Parliament should be given increased power to legislate to stop the depredations of the profiteers, and did not the people turn down our proposals?" It is true that those proposals were rejected, but we have recent evidence that the Parliament has even now the power to put down profiteering. If the Government would bring down a measure dealing with profiteering in an earnest and effective way, I am satisfied that the High Court would determine that it was constitutional. It has always been argued, particularly by the State righter, that it would be almost immoral for this Parliament to legislate in any way likely to affect a State instrumentality, but, in a recent decision of the High Court, three of the five Justices who constituted the Bench decided that the Commonwealth Court of Conciliation and Arbitration had power to deal with State railway disputes. A Court that would give such a decision would determine, I believe, that we had constitutional power to legislate against profiteering. Our Constitution has not yet been given a fair show by the High Court. I do not wish to speak disrespectfully of those learned Justices who have passed away, but every decision given by the Court in the past has been in the direction of limiting more and more our constitutional powers. Sir William Irvine, when representing Flinders in this House, once likened the position of the Australian people under the Commonwealth Constitution to that of a man who was wearing a coat many sizes too small for him, which was bursting at every seam. The late Mr. Alfred Deakin more than once declared that the late Chief Justice Marshall was the real maker of the Constitution of the United States of America. Readers of the constitutional history of the United

States of America know that Chief Justice Marshall strained, almost to the breaking point, the Constitution of that great country. He knew that, unless he did so, the American people would be hobbled and handcuffed. The result of his masterly judgments is that the people of the United States of America are satisfied with their Federal Constitution.

Sir JOSEPH COOK.—The honorable member should get it into his head that the trouble in regard to dealing with the profiteer is not a question of power. The State Parliaments have complete power to deal with profiteering.

Mr. FENTON. — But consider the *personnel* of the State Parliaments.

Sir JOSEPH COOK.—There is John Storey, Premier of New South Wales, and Mr. Theodore, Premier of Queensland.

Mr. FENTON.—But what sort of a Legislative Council has Mr. Storey to deal with? With the exception of Queensland, no State has real legislative power to deal with the profiteer. Every measure passed by the Lower House has to run the gauntlet of the Legislative Council; and the members of those Councils are hand-in-glove with the profiteers in the community. Are they going to pass legislation which will condemn themselves and their brothers? Not at all. I believe that this Parliament has power to deal with profiteering, and I should like the Government to bring a test case before the very intelligent High Court that we have to-day. It is not only greater in numbers than in years gone by, but, with all due respect to those who have passed away, it is greater in brain power and legal knowledge. If our constitutional powers were put to the test, I am sure we should have from the Court a series of decisions interpreting the Acts of this Parliament in a way that would enable us to deal effectively with the profiteers.

In the *Bulletin of Australian Statistics*, No. 80, compiled by Mr. Knibbs, there will be found, on page 73, a table dealing with the purchasing power of money, showing the amounts necessary, on the average, in each year from 1901 to the second quarter of 1920, to purchase in each capital town what would have cost, on the average, £1 in 1911, in the Australian capitals regarded as a whole.

Sir JOSEPH COOK.—To purchase what?

Mr. FENTON.—The figures relate to the purchase of groceries and food, house rents, and also "generally."

Sir JOSEPH COOK.—The trouble is that Mr. Knibbs does not deal with the cost of things generally. His figures relate to only a few commodities.

Mr. FENTON.—The pity is that we have not the figures showing the way in which the prices of all commodities have increased.

Sir JOSEPH COOK.—He shows that in respect of the total cost of living, the increase is considerably less than 50 per cent.

Mr. FENTON.—He does not. Our complaint is that Mr. Knibbs' returns do not include the cost of all household items; if they did, it would be found that the increase in the cost of living is far heavier than is indicated. In this return it is shown that in Sydney in 1914 it cost 24s. 1d. to purchase goods which in 1911 could be purchased for £1, and that in the second quarter of 1920 the cost had gone up to 36s. 5d.

Sir JOSEPH COOK.—A 50 per cent. increase.

Mr. FENTON.—In some cases the increase is greater. In Melbourne goods which in 1911 cost £1, cost 22s. 1d. in 1914, and 35s. 2d. in 1920. In Brisbane in 1920 the cost had gone up to 33s.; in Adelaide the cost had risen from 22s. 10d. in 1914, to 35s. 1d. in 1920; in Perth, from 22s. 10d. in 1914, to 33s. 1d. in 1920; and in Hobart, from 21s. 10d. in 1914, to 35s. 8d. in 1920. The weighted average for the Commonwealth was 22s. 10d. in 1914, and 35s. 4d. in 1920. In respect of certain goods there was an increase in some of the States of 101.7 per cent.

Sir JOSEPH COOK.—In respect of some things.

Mr. FENTON.—In respect of a good many things which are required in the homes of the poor. I give now the figures supplied by Mr. Knibbs to show the difference between the purchasing power of the sovereign in 1911 and at the present time as applied to the cost of groceries and food. He shows that in Sydney what could be purchased for £1 in 1911 cost 23s. 1d. in 1914 and to-day costs 42s. That is nearly double, and is

certainly more than a rise of 50 per. cent.

Sir Joseph Cook.—That was due to the war.

Mr. FENTON.—I do not care to characterize the statement too harshly, but we have been frequently informed that living is cheaper in Australia than in any other part of the world. Honorable members who remind us of this appear to forget that practically during the whole of the time we have occupied this country it has been a land flowing with milk and honey.

Sir Joseph Cook.—The honorable member ought not to quote the figures to which he is referring, because they apply to the period of the late Labour *régime*.

Mr. FENTON.—The statement that living is cheaper in Australia than in other parts of the world is only so much clap-trap. There is an abundance of foodstuffs produced in Australia, and yet the figures I have quoted show that in the capital of the State from which the Treasurer comes groceries and foodstuffs which in 1914 cost 23s. 1d. have gone up in price to 42s.

Sir Joseph Cook.—The honorable member is referring to the period of the Labour Government.

Mr. Tudor.—No; a Nationalist Government has been in power for four years, and they have done nothing.

Mr. FENTON.—During the greater part of the war period a Nationalist Government of the worst character has been in existence. Mr. Knibbs' figures are supplied for the other capitals, as well as for Sydney. For Melbourne the figures are, respectively, 21s. 10d. in 1914, and 40s. 6d. in the second quarter of this year. For Brisbane the figures are 21s. 7d. and 41s. 4d. For Adelaide 21s. 4d. and 42s. 9d. For Perth 26s. and 40s. 5d. For Hobart 24s. 3d. and 41s. 10d. The total weighted average, taking the whole of the States, is represented by the figures £1 for 1911, 22s. 11d. for 1914, and 41s. 7d. at the present time.

In spite of these figures, the Treasurer says that Australia is a fine place to live in, and that people can live more cheaply here than in any other part of the world. Although some of the States have suffered severely from drought, there has been an abundant food supply produced in Australia, and we never knew what it was to be short of anything in this country during war time. That cannot be said of other countries in the world. The Treasurer stated in his Budget-speech that Australia paid more per head of population in the way of war expenditure than did most of the other parts of the British Empire, and that, in view of the number of soldiers we had at the Front, we suffered more seriously in casualties than did other portions of the Empire. He now says that we can live more cheaply here than people can live in other parts of the world. Every one admits that; but in a land of plenty we should be able to live much more cheaply than do people in other parts of the world. Surely it is no excuse for the inaction of the Government and their failure to come to the relief of the people who are suffering from high prices in Australia to say that we live here more cheaply than people do in other parts of the world. I suppose that according to population Australia is the greatest wool-producing country in the world, and also the greatest food-producing country.

Sir Joseph Cook.—The price of foodstuffs is nearly double in America to what it is in Australia.

Mr. FENTON.—That may be so, but that fact is no justification for the prices charged for some articles in Australia.

Sir Joseph Cook.—I admit that.

Mr. FENTON.—If we were more self-contained than we are, living would be cheaper here than it is. One of the difficulties which confront us is that money is pouring into the Treasury through the Customs. No doubt the Treasurer is pleased that it should be so, but, in my view, we should receive very little revenue from that source.

Sir Joseph Cook.—I am afraid that it will not keep up.

Mr. FENTON.—I hope for the good of Australia that it will not. It may be nice for the Treasurer to handle the revenue derived from the Customs, but, all the time its volume is a testimony against Australia.

Sir Joseph Cook.—Of course, what I am doing is throwing it away as I get it.

Mr. FENTON.—I do not say that.

Sir JOSEPH COOK.—The newspapers say so.

Mr. FENTON.—The right honorable gentleman has been long enough in political life to know how he should regard press criticism of that kind. Surely he does not smart very much under it. I should have imagined that he would have regarded such criticism with wonderful equanimity. I am surprised to find that he does not do so.

Sir JOSEPH COOK.—There is one thing about it that I object to, and that is that it tends to destroy the credit of the country. That is a bad thing for the country.

Mr. FENTON.—I am prepared to go so far as to say that I think there should be power to stop the press from saying that we are "on the road to ruin." I think that is a most unpatriotic thing to say, even if it were true.

Mr. PARKER MOLONEY.—It will be true if the Government stop where they are long enough.

Mr. FENTON.—I am not supporting the Government. I have been denouncing them for sitting calmly by and permitting the people to be fleeced every day by the profiteer. The time has more than arrived when some of the profiteers should be put to the test. Some attempt is being made to do this in Queensland, where the profiteers are being brought before the Courts of the country, and, in my opinion, the Commonwealth Government should be prepared to take a similar stand for the protection of the people generally. If the electors continue to return a majority of honorable members prepared to support a Government that will do nothing to protect them, then they will deserve what they get. Unfortunately, there are many thousands of people who would like to insure the return of a Government that would be prepared to give them some relief, but in the meantime they have to suffer with the guilty.

Sir JOSEPH COOK.—I can tell the honorable member what the electors say. They say that from 1910 to 1917, all these things were heaped on their shoulders, and they can expect no relief from changing the present Government.

Mr. FENTON.—That is a nice little speech for the honorable gentleman to make sitting down.

Sir JOSEPH COOK.—I want to help the honorable member.

Mr. FENTON.—The right honorable gentleman is not helping me, and he does not speak in accordance with the facts. There was a Labour Government in power in the Commonwealth only from 1910 to 1913, and, during those years, there was done for Australia and Australians something which the people should never forget, and which stood them in good stead during the awful times through which we have passed. The Treasurer may rail at what Labour Governments have done, but the people know that if it was not for what was done by the Labour Government between 1910 and 1913, they would have been in a very sorry case during the war period.

The figures which I have quoted from *Knibbs* should be sufficient to spur the Government into action.

Sir JOSEPH COOK.—The honorable member has held the fort well until the arrival of the honorable member for West Sydney (Mr. Ryan).

Mr. FENTON.—The right honorable gentleman is imputing motives, and he knows that it is distinctly disorderly to do so. I have been giving expression to views which I think require reiteration; but it appears to me that it has been like pouring water on a duck's back, because the Ministry are impervious to reason. They will listen to no humanitarian calls upon their better natures. These clarion calls have been going forth from the poor in this community for many a day. They have been seeking relief, and finding none. They have been asking in vain for some redress of their grievances. They have asked for bread, and the Ministry gives them a stone.

Sir JOSEPH COOK.—That is a good peroration. The honorable member might close with that.

Mr. FENTON.—It is not right for the Treasurer to punctuate my speech, as he has been doing, with his interjections. I speak in all seriousness to the right honorable gentleman because, in common with the Prime Minister and many of his supporters, he has been through trying times himself; but the battle of life was never more strenuous in Australia than it is to-day.

Sir JOSEPH COOK.—No such thing. Tommy-rot!

Mr. FENTON.—I say, let us have some relief. The people are being attacked

tooth and claw by the profiteer, and I say that it is time we did something to draw his teeth and cut his claws, and prevent him from continuing to put teeth and claws into the vitals of the community, waxing fat on the necessities of the people of Australia.

Mr. PARKER MOLONEY (Hume) [5.12].—I was interested in the introduction of this Bill because of an amendment which I foreshadowed, and because, also, of the amendment of which notice was given by the honorable member for West Sydney (Mr. Ryan). Unfortunately, after the Bill was introduced, it was immediately placed low down on the business-paper, and this has had the effect of making it more difficult to give the relief which I sought to secure by the amendment I proposed for the extension of the moratorium for the protection of people who to-day are carrying heavy mortgages. There are certain parts of the Commonwealth where the primary producers particularly have suffered from a severe drought. There was a drought for two years in the State of New South Wales, and the primary producers were looking forward to relief in the direction suggested by my amendment. The action of the Government in placing this measure so low down on the business-paper at a time when relief was anxiously looked for by the primary producers has made it much more difficult to give them relief by the extension of the moratorium than it would have been if the Government had proceeded with the consideration of the Bill. When I foreshadowed my amendment the Treasurer said that if I would withdraw it he would urge upon the Prime Minister (Mr. Hughes) the necessity for bringing this matter before the Premiers' Conference, which at the time was sitting in Melbourne. The Prime Minister gave an assurance to the House that if my amendment were withdrawn he would bring the matter before the Premiers' Conference, and get the Premiers of the different States to take it up. However, the Conference took place, and I understand that the Prime Minister never mentioned the matter there. Consequently, not only he, but the Treasurer, to a certain extent, did not carry out the definite promise that they made to the House.

Sir Joseph Cook.—I think it was mentioned, but I would not be sure.

Mr. Mathews.—The States told them to mind their own business.

Mr. PARKER MOLONEY.—So far as my memory serves, the Prime Minister made no representations to the Premiers on the subject, nor is there anything in the report of the Conference to suggest that he did. I have only to repeat now what I said then: That the Government had an opportunity of doing something to give relief to those people in the country who are suffering, particularly in New South Wales, from the effects of a two years' drought, and are carrying heavy mortgages. The Government missed the opportunity that was afforded them then. They did not even go to the extent of bringing the matter before the Premiers' Conference, and urging the Premiers to do something. Evidently the Premiers did not think they were called upon to take action, because they realized that the Federal Government had the necessary power. It was the proper and peculiar function of the Federal Government to act. They had previously arranged for the extension of the moratorium under the War Precautions Act, which is, unfortunately, still in existence. The Government have done by means of it many things that are undesirable, but this is one of the good things that could be done under it. They could have given relief to a great number of deserving people, but neglected the opportunity, yet if an election were to take place to-morrow, the Treasurer and those associated with him would point to the many beneficial things they had done in the interests of the man on the land. This is one instance in which the Government have absolutely failed to do their proper duty to people, who are suffering to-day as the result of the inactivity of the Government in that regard. I intend to press the amendment, because I am satisfied that the Government have the requisite power. I have been told that it is now too late to do anything. I do not know what the Treasurer's view is, but it is "up to" the Attorney-General to make some statement to the House to show the exact position at the present time. I shall see that, even at this belated stage, something is done in the direction of giving relief if the numbers are with me. If it is a fact that nothing can now be done,

the fault lies at the door of the Government for having shelved the Bill for so long. They first introduced it, and then placed it so low on the notice-paper that it has taken months to reach it. Then on Friday last they tried to force it through, but I am glad that the Leader of the Opposition (Mr. Tudor) prevented them from doing so.

Mr. MAKIN.—And the Minister himself said it was a matter of great urgency!

Mr. PARKER MOLONEY.—It was a matter of great urgency when introduced some months ago, but when the honorable member for West Sydney gave notice of his amendment, the Bill was placed low down on the business-paper. After shelving it for months, the Government thought they saw an opportunity of rushing it through last Friday, and gave as their excuse that it was again a matter of great urgency. However, we expect that sort of conduct from them.

Sir JOSEPH COOK.—Some day you will say that this Government has done one good action, and then you will die.

Mr. PARKER MOLONEY.—In that case, I shall never die. I should deserve to die if I said such a thing, because it would be untrue. I venture to predict that the Government will die first, which will be a very good thing.

Mr. MAHONY.—Wait till Mr. Watt comes back!

Mr. PARKER MOLONEY.—I believe the ex-Treasurer will say many worse things against the Government than I have said, and then the sudden death for which the Treasurer is not looking may come sooner than he expects.

I am pleased that the opportunity is now given to the honorable member for West Sydney (Mr. Ryan) to speak to his amendment. I hope something will be done to redress the grievances under which the people are suffering to-day through the prevalence of profiteering. The Treasurer endeavoured to throw cold water on the very telling facts brought forward by the honorable member for Maribyrnong (Mr. Fenton), who showed that in Queensland, according to the latest figures published, the cost of living is less than in any other State of the Commonwealth.

Sir JOSEPH COOK.—I never heard the honorable member say that.

Mr. PARKER MOLONEY. — He quoted the figures for the respective capitals of the States to show that the cost of living was less in Queensland than in any other State. That is a fact, because the figures are published by the Federal Statistician, and I am sure that even the Treasurer will accept them. It will, of course, be said that the Government have no power to deal with the profiteer. That has often been said before; but here is an opportunity to confer ample power, by means of a Judiciary Bill, upon the High Court and the other Courts of the Commonwealth and the States, to call upon manufacturers to furnish a statement of the manufactured cost of articles. These can then be traced right along the road from the producer to the consumer, and an estimate formed of what should be a fair profit upon any particular commodity.

Mr. BRENNAN.—They ought to be satisfied with the High Court as an investigating tribunal.

Mr. PARKER MOLONEY. — Yes. We have an opportunity, by means of this Bill, to confer that power on the High Court. No doubt the people who are suffering as the result of the profiteering that is going on will watch proceedings with intense interest, in order to see whether the Government take advantage of the chance offered to them to bring about an improvement of the conditions under which they have been compelled to live for the last four or five years.

The honorable member for Maribyrnong spoke of woollen goods. Two months ago I visited the woollen mills in the electorate of the honorable member for Corio (Mr. Lister). They are doing splendid work. The honorable member for Flinders (Mr. Bruce) has previously attempted to throw cold water on any statement of this character, but I now say, deliberately, that the sub-manager of this particular mill assured me that material that was turned out by them—this was two or three months ago—at 12s. per yard went into Flinders-lane, and by the time it got through Flinders-lane its price was 30s. per yard. Senator J. F. Guthrie said the same thing in another place.

Mr. LISTER.—What mill was that ?

Mr. PARKER MOLONEY. — The statement was not made to me in confidence. If it had been, I would not have repeated it here. This was at the woollen mills in Geelong. Although no restriction was put upon me as to repeating the statement, I have gone as far as I intend to go, but if the honorable member wants to know who my informant was I am prepared to tell him.

Mr. JOWETT.—It is a statement that has frequently been made, and never refuted.

Mr. PARKER MOLONEY.—Exactly.

Mr. GROOM.—Has it been proved?

Mr. PARKER MOLONEY.—I take it that the fact that it has never been refuted is a proof that it is true. The only person I have heard attempt to refute it in this Chamber is the honorable member for Flinders.

Mr. FLEMING.—And he ought to know something about it.

Mr. PARKER MOLONEY. — He ought to know.

Mr. FENTON.—Those woollen mills manufactured cloth for returned soldiers for 7s. 6d. per yard.

Mr. PARKER MOLONEY.—That is so. I have made a plain statement of fact, on the testimony of a man in whose word I place implicit confidence. I do not see that he would have any object in telling it to me if it were not true.

Mr. BELL.—Seeing that you have the information, of what use will the statistics be that the amendment asks for?

Mr. PARKER MOLONEY.—They will be required because the Prime Minister and others will say that the Government have no power to deal with the profiteer. Government supporters will also say that the statement made to me at Geelong is not true, although I have given the testimony of the man who is controlling the mill. The honorable member for Flinders, as we all know, is interested in a business in Flinders-lane; but, while due weight must be given to his word, I would not take it, or the word of any one else, in preference to the word of those directly concerned in the turning out of the material in the mills.

Mr. ATKINSON.—Did the Geelong man say that the wholesale houses in Flinders-lane got 30s. per yard for the material?

Mr. PARKER MOLONEY.—That is, when it had passed through their hands. The difference between 12s. and 30s. represented the profit the Flinders-lane houses were making. That is the profit that the middleman was making, because I take it that the middleman is represented by those in Flinders-lane. That is to say, by the time the tailor gets this material from the Flinders-lane people the cost has increased to 30s. per yard.

Mr. BELL.—We know that to be a fact.

Mr. PARKER MOLONEY.—Then this is about the first time I have heard it admitted by any member opposite, although Senator Guthrie recently gave similar information to the Senate.

Mr. RICHARD FOSTER.—If it is a fact, we ought to follow it up with some definite action; but I do not believe it is a fact.

Mr. PARKER MOLONEY.—I am glad to hear the honorable member for Wakefield say that if it is a fact this matter ought to be followed up.

Mr. BELL.—But this amendment will not help matters in the least.

Mr. PARKER MOLONEY.—I think it will provide a means of dealing with the trouble.

Mr. RICHARD FOSTER.—It is the easiest thing in the world for the State Governments to deal with this matter.

Mr. PARKER MOLONEY.—But it is also within the power of this Government to take the necessary action.

Mr. BELL.—But can you suggest something practical? If so, we will help you.

Mr. PARKER MOLONEY. — The amendment is comprehensive enough, as the honorable member will realize if he will read it.

Mr. ATKINSON.—It is comprehensive enough, at all events.

Mr. PARKER MOLONEY. — The trouble is, it is too comprehensive for honorable members opposite, who do not want to do anything in this matter. Its purpose is to require the production of statistics of the cost of production and the cost of manufacture in Australia, and the landed cost of all imported goods. That, at all events, is one thing that may be done by the Government under this amendment. It was said a little while ago by those who are opposed to the adoption of a proper Tariff that, as a result of increased Protection, the cost of living would go up.

Mr. BELL.—Naturally it will.

Mr. PARKER MOLONEY.—I do not agree with the honorable member at all. But this statement has been made on many occasions, and it was repeated when, referring to the Tariff, I was quoting from an article written in the *Age* newspaper to show that the Government have the necessary authority to do certain things. I presume that the article in the *Age* was written on the authority of some legal adviser as to the constitutional powers of the Commonwealth Government.

Mr. DEPUTY SPEAKER (Hon. J. M. Chanter).—Order! This amendment is rather wide, but it does not permit of a dissertation upon the Tariff.

Mr. PARKER MOLONEY.—I was merely pointing out, Mr. Deputy Speaker, that the Government have power to deal with profiteering, and was referring incidentally to an article in the *Age* newspaper, which stated that the Commonwealth may, under its powers with regard to statistics, so estimate the manufacturing costs as to ascertain what is a fair margin of profit over and above the cost of production. Now the Commonwealth Government can do that Nobody in this House, not a member of the legal profession, would care to pit his opinion against that contained in the article referred to, for we may presume that it was written on legal advice. What is the use, therefore, of contending that the Government have not the power?

Mr. BELL.—But, after you get these statistics, what do you propose to do?

Mr. PARKER MOLONEY.—I suggest that the Government may exercise their power in a manner which, surely, would suggest itself to the honorable member.

Mr. FENTON.—Under the Industrial Peace Bill the Government have authority to make a complete investigation into the price of coal.

Mr. PARKER MOLONEY.—Yes, as the honorable member for Maribyrnong has pointed out by way of interjection, it is claimed that the Government, under that Bill, will be able to follow all the operations in the production of coal, from the time it is taken from the bowels of the earth until it is placed in the hands of the consumer, and decide what is a fair price. If, then, we have power to do this in relation to coal, why should we not exercise it in regard to a suit of clothes?

Mr. ATKINSON.—But tell us what you think should be done.

Mr. PARKER MOLONEY. — The Government may take the very same steps as they propose to take concerning the price of coal. We have the War Precautions Act in existence still. Can the honorable member show that the Government could not deal with profiteering under that Act? But apart from that power altogether, the Government have absolute control over taxation in every shape and form, and, per medium of our taxation laws, they could reach all of these people who are profiteering. I did not require to be told by the submanager of the Geelong mills that there is profiteering in woollen goods. This fact is as plain as a pike-staff to every one in the community. Everybody knows that, during the war period, the added cost to the local manufacture of the wool required for a suit length did not amount to more than 6s., because all wool was made available to them at an appraised price of 15½d. per lb.

Mr. HILL.—Less than that.

Mr. PARKER MOLONEY.—As the honorable member for Echuca points out, it was less than that to local manufacturers.

Mr. FLEMING.—But the wool in its usable state costs more than that.

Mr. PARKER MOLONEY.—The increased cost did not amount to more than 5s. on a suit of clothes above the pre-war prices.

Mr. JOWETT.—I think the honorable member is correct.

Mr. PARKER MOLONEY. — Of course I am, and yet a suit of clothes which in pre-war days would have cost £4 4s. costs £10 10s. or £12 12s. to-day.

Mr. BELL.—It costs £4 4s. now to get a suit made, apart from the price of the material.

Mr. PARKER MOLONEY. — The principal increase is not in the making costs.

Mr. GROOM.—Does the honorable member say that labour charges have not increased?

Mr. PARKER MOLONEY. — Of course wages have gone up. We all know that.

Mr. JAMES PAGE.—But not to the extent of the increased price.

Mr. GROOM.—To some extent, at all events.

Mr. PARKER MOLONEY. — The huge dividends declared by these firms who are standing between the producer and the consumer show that profiteering is being indulged in, with the result that we have to pay enormously enhanced prices for clothing—as much as £14 14s. and £15 15s. for a suit which in pre-war days could have been obtained for £4 4s. or £5 5s. As an illustration of the way in which these people are preying upon the simplicity of the consumers, I may remind honorable members that on the day that the Victorian Fair Profits Commission, which is supposed to be making a serious investigation into this question of costs of production, but which is practically useless to all intents and purposes, granted an application for permission to increase the price of bacon to 1s. 11d. per lb., the Victorian Government gazetted the acceptance of a tender for the supply of bacon to the railway refreshment-rooms at 1s. 5d. per lb.

Mr. Mahony.—That means that the workers are being robbed to the extent of 6d. per lb.

Mr. PARKER MOLONEY.—It means that the increase granted by the Fair Profits Commission, compared with the accepted tender price for the railway refreshment-rooms represents a tax of 6d. per lb. upon the general public. It is an unwarranted increase in the price of an important commodity. I do not wish to delay the House longer, as I am anxious that a vote shall be taken on this question. Members opposite have shown by interjection that they agree that profiteering is going on; and, while they agree with us to that extent, it is not their desire to do anything to prevent it. Here is an opportunity for members to show their sincerity, and to get right down to bedrock. I claim that the Government have the power to move in this matter, because they could not do what has been suggested in regard to profiteering under the Tariff, or in regard to coal under the Industrial Peace Act, if they have not the power. The recent decision of the High Court has completely changed the opinions that were previously held, and has absolutely shattered our old-time convictions as to what power Parliament possesses. We have practically complete authority in a direction in which we previously thought our hands were tied. I do not think it can be said by members opposite that we have not very extensive authority to deal with the great evil of profiteering, and this is our opportunity to show how sincere we really are. This is our chance to get down to bedrock and to do our work as a Parliament in stamping out the profiteer who is inflicting such hardships upon the people of the Commonwealth.

Mr. RYAN (West Sydney) [5.48].—This Bill first came before the House in April last, and shortly after it was introduced the Minister for Works and Railways (Mr. Groom) moved a motion which had the effect of altering its position on the notice-paper. I opposed that motion, and gave my reasons for doing so. I said at the time that it was imperative that something should be done by Parliament to deal with profiteering; but the Government had their way, and the Bill was placed well down on the notice-paper. I immediately gave notice of an amendment to be moved on the motion for the second reading, the object of which was to have a comprehensive measure introduced conferring the powers upon the High Court of Australia to make the necessary investigations into the profits that were being made by local manufacturers and importers. As soon as that notice was given the measure was dropped to the bottom of the notice-paper, and remained there for some months—until last Friday—when the Government suddenly discovered that the measure was an urgent one. I am glad to learn that, in my absence, assisting in the Queensland elections, the Leader of the Opposition (Mr. Tudor) moved the amendment of which I had given notice, with the result that we are able to discuss it this afternoon. I do not know what reasons the Minister in charge of the Bill gave for treating the measure as an urgent one at this juncture. He certainly indicated, by the fact that it was placed lower on the notice-paper, that it was not urgent some time ago. What is there in the Bill as it was introduced by the Government? What does it propose to do? As I understand it, it proposes to alter the position of the High Court as regards the number of Judges who must concur in a decision

upon constitutional questions. An amendment is to be made in the Act of 1912 which made it necessary for a majority of the whole Bench to concur in any decision declaring an Act of this Parliament invalid. In 1912, in supporting the measure which made it necessary to have an absolute majority of the full Bench, the present Prime Minister (Mr. Hughes) said—

> A law ought to be declared unconstitutional only when it is obviously so. This can be clearly indicated only when a majority of the Justices of the High Court are of the opinion that it is unconstitutional. Then nothing further can be said. But the people and Parliament have a right to complain when their deliberate enactments are set on one side, although a majority of the Justices of the High Court is not of the opinion that they are unconstitutional.

That is taken from *Hansard*, volume 69, page 7097, and gives the reasons of the Prime Minister for inserting the provision which the Government now propose to repeal. They now make it possible for a minority of Justices of the High Court of Australia to declare an Act of this Parliament unconstitutional. I ask the Minister if that is not the proposal of the Government?

Mr. GROOM.—Yes.

Mr. RYAN.—The effect is that a minority of the Justices of the High Court of Australia will be able to declare an Act of this Parliament invalid, although a majority may think—if they have the opportunity to confer—that the Act is quite valid. I have quoted the Prime Minister's reasons for amending the Act in 1912, and I know of no reasons being advanced for repealing that provision. Were any representations made by the Justices of the High Court? If so, what were they? When were they made, and is that the purpose of this amendment? The amendment made in 1915 was one which would operate during the war period, and now it is proposed that that shall continue indefinitely. What urgency is there in a measure of this sort? There is very great urgency, indeed, in having a measure that will enable a proper investigation to be made into the question of profiteering. Every one, even the Ministers on the Treasury bench, admits that profiteering is going on. They also admit that they are not doing anything, and say that they have not the power. The Government bring into this Chamber measures to deal with industrial unrest, including an Industrial Peace Bill, and an amendment of the Arbitration Act. They elaborately set about appointing bodies to investigate the causes of industrial unrest, although they know perfectly well that the most prolific cause is the profiteering that is allowed to exist in the community. What is the use of appointing Committees to investigate this matter, and to go into the causes, when we wilfully blind ourselves to the fact that profiteering is the main cause of industrial unrest? We are refusing to confer upon a tribunal such as the High Court of Australia, or the Supreme Court for the different States, the power to investigate the matters to which I have referred. The amendment moved by the Leader of the Opposition is not intended to wreck this Bill, although it would not matter if it were wrecked, because there is hardly anything in it. Our object is to get a more comprehensive measure immediately introduced.

Sir JOSEPH COOK.—Then you do intend to wreck the Bill?

Mr. RYAN.—It is all very well for the Treasurer (Sir Joseph Cook) to "mouth" about wrecking the Bill.

Sir JOSEPH COOK.—It is the honorable member who is doing the "mouthing," and not me.

Mr. RYAN.—What we desire to do is to confer upon the High Court the power to investigate the profits made by local manufacturers and importers. No one denies that that power exists, and it is the duty of this Parliament to exercise its authority. No one knows better than the Government that they have the power, but they refuse to exercise it. Now they will have an opportunity. We are taking the only opportunity that is afforded us of making a move in this direction. The Government are in charge of the business of the House, and can bring forward whatever they like; and it is not often that we have the opportunity of amending their proposals. Here is a chance of doing it. Section 51 of the Constitution specifically gives the Government the power, amongst other things, to make laws for the peace, order, and good government of the Commonwealth in reference to certain matters, amongst which

is census and statistics. It is in that connexion that we desire to confer this jurisdiction upon the High Court of Australia and the Supreme Courts of the different States. We propose to rest this proposal upon all the powers contained in the Constitution. Here I may say that other measures that the Government have introduced during this session have been based upon very narrow grounds when they could have been set upon broad foundations so that successful attacks might be made upon their constitutionality later on. What can be said against a proposal of this character? Can the Minister say that profiteering is not going on? Can he say it would not be desirable to have an investigation made? Can he say that if investigations were made, we would not be able to use that information with satisfactory results? If the purchaser of an article were able to see by the marking on it what it cost to produce, and the profits being made by the vendor, it would go a long way in the direction of making vendors accept a smaller profit. It is possible for us to exercise the power in the matter of taxation, as we have ample and plenary power in that direction. We could double the imposts on those who are making excessively high profits, and we could make profiteering unprofitable. There seems to be two things which this Government stand for, profiteering and "patrioteering." The greatest profiteer is the greatest "patrioteer," and if this power is given to the High Court, we will find that some of the greatest "patrioteers" are those who are making profits upon excessive profits either out of their locally manufactured goods, or out of goods which are imported. It is with a view to exposing this evil, and of laying the foundation for effective action, that the amendment has been submitted.

Mr. Maxwell.—What does the honorable member propose that the High Court shall do?

Mr. RYAN.—That is stated in the amendment.

Mr. Maxwell.—What is it?

Mr. RYAN.—Read the amendment.

Mr. Maxwell.—I have read it.

Mr. RYAN.—Cannot the honorable member understand plain English?

Mr. Maxwell.—Not that sort of English. Put the amendment in plain language.

Mr. RYAN.—It is in plain language already. I propose to confer upon the High Court of Australia, and other Courts, power to investigate the profits which are being made by local manufacturers, and also by importers.

Mr. Maxwell.—To appoint a Committee of investigation?

Mr. RYAN.—No. I propose to confer jurisdiction upon the High Court to investigate these matters, and to punish those who refuse to make statistical returns. It is all very well for the honorable member to endeavour to cross-examine me, but why does he not stand up in his place and justify his action in supporting the Government who are allowing profiteering to go on in our midst? Nobody knows better than he does that the Government possess power to deal with this evil.

Mr. Maxwell.—I have been waiting to hear one single reason why the amendment should be adopted, but I have not yet heard it.

Mr. RYAN.—I will not be drawn away from the subject by the honorable member. He is one of those honorable members who very often votes to suit his constituents. Occasionally he votes upon this side of the Chamber to suit his constituents, but whenever the Government are in danger he is to be found upon the opposite side. He knows perfectly well that profiteering is rampant in our midst, but he is still prepared to allow it to proceed unchecked. It is just as well that we should speak plainly upon this matter.

Dr. Maloney.—The honorable member for Fawkner defends the profiteers in our Courts for their dirty money.

Mr. RYAN.—The honorable member should stand up and place upon record in *Hansard* the reasons why he is opposed to the amendment. I hope that the proposal will be carried. We shall then have an opportunity of seeing precisely where honorable members stand upon an important matter of this kind. I do not believe that the amendment will be carried, but, at all events, it will have the effect of exposing the position which is occupied by honorable members in regard to this question. It may even result in inducing their constituents to

bring such pressure to bear upon Ministers as will cause the latter to alter the policy which they have hitherto adopted.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [6.3].—It is interesting to hear the honorable member for West Sydney (Mr. Ryan) suggest that the honorable member for Fawkner (Mr. Maxwell) is doing things because of his constituents. Of course the honorable member who has submitted this amendment did not move it for any such reason. He is actuated by a high-souled desire to prevent profiteering. Yet, when there was an opportunity of conferring upon this Parliament by constitutional means the power to deal with the evil of which he complains, he asked the people to turn the proposal down and to leave Parliament impotent in the matter. He is now endeavouring to cover up his tracks. Upon previous occasions the honorable member has raised party cries for political purposes. Only a few years ago he declaimed against the Trusts which he stated were all over this country, doing all sorts of injury to everybody. That cry served for one election. The following election we found that it was the fearful beef barons who were the cause of all our troubles. Now they seem to have disappeared, and there is another hideous monster in their place who is throttling everybody—I refer to the profiteer. It is significant that the profiteering to which the honorable member refers is almost invariably associated by them with the food that we eat—with our primary products. That is the profiteering which he is so eager to attack. He has affirmed that it is our duty to show reasons why his amendment should not be carried. If he adopted that attitude in a Court the Judge would promptly say to him, "You are putting forward an affirmative proposition, and it is your duty to establish it." The honorable member says that he is not out to wreck the Bill; but that statement sounds strangely in the light of his amendment, which proposes the omission of all the words after "that," with a view to inserting other words in lieu thereof. The purpose of the amendment is obviously to block the measure. He desires the Bill to be absolutely withdrawn, and the Government to introduce a measure to confer jurisdiction upon the High Court to investigate certain matters and, *inter alia*, to provide for the furnishing of statistics. Practically he wishes to convert the High Court of Australia into a sub-Department of the Department of Statistics. That is the effect of his amendment. He desires to make a judicial body, which has been endowed with the highest functions under our Constitution, nothing but a sub-Department under Mr. Knibbs. His amendment purports to deal with profiteering. But he knows that under the Constitution this Parliament cannot effectively deal with that question, that the powers over trade and commerce are exceedingly limited, and that this Parliament can in reality deal only with Inter-State and external commerce. He knows, also, from the inquiries on the subject of profiteering which are proceeding in Australia to-day that, if profiteering is to be dealt with effectively, we must get right down to the individual transactions within the States, because, after all, this is essentially an Intra-State problem. If we look at the methods by which it is being attacked in every country in the world it will become apparent that it is individual transactions which must be investigated in the end. Let honorable members study the Profiteering Act in Queensland. Let them look at the proposals for dealing with this evil which are at present before the New South Wales Parliament. Take the inquiries which are being conducted in Victoria to-day, and it will be seen that, in order to deal effectively with profiteering individual cases have to be reached. Federal legislation cannot affect that matter, it being generally one of Intra-State trade. The honorable member's proposal is merely a bluff. It seeks to empower the High Court Justices to do something which can be done just as effectively by somebody else. It aims at bringing about a perversion of the functions of the Justices of the High Court. Of course there is Federal power to deal with statistics, and we were effectively exercising that power long before the honorable member came here. When the Australian Industries Preservation Bill was under consideration in this Chamber, there were placed in the hands of the Controller of Customs special powers of questioning. The High Court sustained the Act, and

long ago affirmed that this Parliament possessed the power to enact it. The case in which the Colonial Sugar Refining Company was involved also proved that this Parliament possessed the power to legislate with respect to certain inquiries. But what has that to do with the solution of the great profiteering problem? The adoption of the amendment would not help us one iota in that connexion. It is nothing less than a futile proposal, and it could not lead to the effective control of profiteering. It is nothing but a political placard by which the honorable member desires to block a useful measure with the object of preventing serviceable legislation.

Mr. RILEY (South Sydney) [6.12].—The great defect in the speech which has just been delivered by the Minister for Works and Railways (Mr. Groom) is that he has not attempted to combat the statement that profiteering is rampant in our midst. If he will recall the manifesto issued by the Prime Minister at the last election, he will remember that the right honorable gentleman was going to shoot the profiteer. Did not the Government know the powers which they possessed at that time? They allowed these statements to go from one end of the country to the other with a view to gulling the electors. To-day, however, the lame excuse is put forward by the Minister that this Parliament possesses no power to deal with profiteering.

Mr. Groom.—But at the last election we asked for effective powers in that connexion.

Mr. RILEY.—When the Prime Minister arrived at Fremantle, there was no talk of taking a referendum upon the matter, and yet he affirmed that he would shoot the profiteer at sight.

Sir Joseph Cook.—He said nothing of the kind.

Mr. RILEY.—Of course he did.

Sir Joseph Cook.—Of course, he did not.

Mr. RILEY.—In his Bendigo speech he stated that he intended to deal with the profiteer.

Sir Joseph Cook.—He did not say that he was going to shoot him.

Mr. RILEY.—He did not say that he would take a revolver, and shoot him, but he did say that he would deal with him. Look at the facts as they exist to-day. One has merely to walk down Bourke-street, Melbourne, or the streets of Sydney, to see the vulgar rich in their gorgeous attire and magnificent motor cars. These are the people who preach the doctrine of contentment to the workers. Yet they are making huge fortunes out of the high prices which are being charged to the consumers. This sort of thing is happening, not merely in Australia, but in every other country. If the Government are sincere in their professed desire to deal with the profiteer, they can achieve their object. But it is idle to tell the working man, who has to keep a wife and family upon £3 or £4 a week, that there is no profiteering. When such a statement is made, the worker naturally feels a contempt for the Government. The power of Parliament is on the wane because people can get no relief from it. What is the use of returning a party to Parliament if it can do nothing to protect the interests of the working classes? While many people can scarcely earn a living, other folks' banking accounts have increased tremendously, and they are rolling about in their motor cars. The Government have the power to end this unequal state of affairs. What have they to fear? The whole House would be unanimous in assisting them to put an end to profiteering. From one end of the country to the other the season is good, and feed is plentiful; yet—for this time of the year—we are paying an almost record price for butter.

Mr. Fleming.—There is a record shortage of dairy cows.

Mr. RILEY.—There is always something wrong. We are about to reap a record harvest; yet we are faced with the prospect of paying a record price for bread. I do not want to see this country fall into the hands of Bolsheviks, but conditions are such for the mass of the people that many are thinking of extreme measures. Why should we be asked to pay a record price for bread in face of a record harvest? How can the two considerations be reconciled? I do not wish the farmers any harm. Our party wants to see the farmer get a fair thing; but there is significant speculation going on all the time in the staples of life, and the people are the sufferers. The farmer has every right to get a good overseas price for his commodity, but, while Australia is reaping an abundant harvest, the Australian people should not be asked to pay a record price for bread.

Mr. PROWSE.—Does the honorable member argue that we should have cheap labour here as well as cheap bread?

Mr. RILEY.—I do not believe in cheap labour, or in a farmer getting less than a fair thing for his produce. But the farmer is not doing so badly, and his prospects were never brighter. As the honorable member for Bourke (Mr. Anstey) remarked, the farmer used to go to church in a tip-dray; now—when he goes—he travels in his motor. And good luck to him! I wish him nothing but good.

Sir JOSEPH COOK.—The honorable member should not forget that, while the farmer has been progressing from tip-dray to motor car, we have advanced, in the value we have set on our services, from £400 to £1,000 per annum.

Mr. RILEY.—Yes, and now we are being worked extraordinary and unhealthy hours; it is a killing process, and is already affecting a large number of honorable members.

What measure of reform is there in this Bill? Who is to benefit by its provisions? There is no call for legislation of this character. The people desire legislation for the protection and development of the country; but this Parliament is not legislating in that way. The Government were going to shoot the profiteer. They have not introduced one measure aimed in that direction. If the Government had tried to cope with profiteering, and had failed, I could have forgiven them; but they have made no attempt, although prices have gone up and up.

Sir JOSEPH COOK.—It is said "outside" that "Every time you people attempt to deal with profiteering matters become worse."

Mr. RILEY.—Better to have tried and failed than never to have tried at all. But why should not the Government make a strong effort to deal with the projected further rise in the price of bread, when Australia is about to reap a record harvest?

Mr. HILL.—Why does the honorable member single out bread?

Mr. RILEY.—Because it is the great staple of life. The people must have bread.

Mr. PROWSE.—Why should the growers of wheat alone be sacrificed?

Mr. RILEY.—I do not say that they should be. I ascertained, from a reply to a question which I recently asked in this House, that the cost of producing a yard of cloth at the Geelong Mills varied from 7s. 6d. to 9s. 6d. If I desired to buy that cloth retail, however, I would have to pay between 20s. and 30s. for it. Profiteering is being practised in almost every line. Here, in this country where we grow the best of wool, and where our manufacturers have the choice of the best wool grown, the people are subject to the attacks of clothing profiteers.

Mr. GROOM.—Is not this entirely a State matter?

Mr. RILEY.—It is the duty of the Commonwealth Parliament to endeavour to protect the people of the Commonwealth, and we have the power to do so. Unfortunately, we have not the Government to take advantage of that power. What became of the proposition of the honorable member for Hunter (Mr. Charlton), who desired to amend the Customs Bill some time ago so that upon all goods offered for sale there should be displayed the invoice price for Customs purposes, side by side with the price for the article itself? Had the Government accepted that amendment, profiteering would have been exposed. The Government knew that, and they dropped the Bill. That is the record of the Government who were out to kill the profiteer. The Minister for Trade and Customs (Mr. Greene) knows that there is power in the Customs Act to require an importer to reveal to the public the invoice price for his goods.

Mr. GREENE.—If that amendment had been accepted the measure would have been absolutely useless, because we could never have enforced its terms. We had not the power.

Mr. RILEY.—The Government have the power.

Mr. GROOM.—We could never have enforced such an enactment.

Mr. RILEY.—I thought the Government had full Customs power.

Mr. GROOM.—It would not have been a matter of Customs power.

Mr. RILEY.—The fact is that the Government have shown no sincerity in proposing to deal with profiteering. Nothing has been done.

Mr. GROOM.—We are asking you to help us do something.

Mr. RILEY.—Not in this Bill. What can the measure under discussion do for the people by way of protecting them

against the profiteer? It can do nothing to reduce the cost of living. I shall vote for the amendment in the hope that if it is accepted something practical may follow.

Sitting suspended from 6.25 to 8 p.m.

Question—That the words proposed to be omitted stand part of the question—put. The House divided.

Ayes	.. .. ..	25
Noes	.. .. ..	11
Majority	.. ..	14

AYES.

Atkinson, L.	Hay, A.
Bell, G. J.	Hughes, W. M.
Best, Sir Robert	Jackson, D. S.
Blundell, R. P.	Livingston, J.
Cameron, D. C.	Mackay, G. H.
Chanter, J. M.	Maxwell, G. A.
Cook, Sir Joseph	Poynton, A.
Corser, E. B. C.	Prowse, J. H.
Foster, Richard	Rodgers, A. S.
Gibson, W. G.	Smith, Laird
Greene, W. M.	*Tellers:*
Gregory, H.	Fleming, W. M.
Groom, L. E.	Marr, C. W. C.

NOES.

Brennan, F.	Page, James
Gabb, J. M.	Ryan, T. J.
Hill, W. C.	Tudor, F. G.
Lazzarini, H. P.	*Tellers:*
McWilliams, W. J.	Mahony, W. G.
Moloney, Parker	Riley, E.

PAIRS.

Bruce, S. M.	Cunningham, L. L.
Watt, W. A.	Anstey, F.
Bamford, F. W.	Lavelle, T. J.
Page, Dr. Earle	West, J. E.
Bayley, J. G.	Makin, N. J. O.
Lamond, Hector	Blakeley, A.
Wise, G. H.	McDonald, C.
Bowden, E. K.	Nicholls, S. R.
Lister, J. H.	McGrath, D. C.
Barchell, R. J.	Watkins, D.
Ryrie, Sir Granville	Charlton, M.
Fowler, J. M.	Fenton, J. E.
Marks, W. M.	Considine, M. P.
Higgs, W. G.	Mathews, J.
Jowett, E.	Maloney, Dr.
Story, W. H.	Mahon, H.
Chapman, Austin	Catts, J. H.

Question so resolved in the affirmative.

Amendment negatived.

Mr. GREGORY (Dampier) [8.8].—The Minister is asking for an amendment of the Act to enable three Justices of the High Court to give a decision on constitutional questions. While I am prepared to accept an amendment in that direction, I think that when it comes to a matter affecting the rights of the six sovereign States, which comprise the Federation, we should adhere to the existing provision of the Act, which requires unanimity on the part of four Justices. I would like the Minister to promise to amend the Bill so that in regard to constitutional matters affecting the rights of the States the decision of the High Court must be given by at least four Justices in agreement. Otherwise, I shall be compelled to oppose the second reading.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [8.10].—I do not desire to make any further reply upon the Bill generally, but I would point out to the honorable member for Dampier (Mr. Gregory) that he is asking the Government to eliminate the very essence of the Bill. The necessity for this measure arises, not from any political circumstances, but because of the position in which the Judiciary has found itself in carrying on its work. Let me trace the history of this matter. In 1902 the High Court consisted of a Chief Justice and two Justices. These three carried on the work until 1906, and decisions were left practically to the majority of the Court for the time being. In 1906 it became advisable to strengthen the High Court Judiciary, and the number of Justices was increased by two. Then, again, the majority prevailed. By 1912 the work of the High Court had grown very much, and its difficulties had been so considerably increased by arbitral work that it became necessary to again strengthen the Bench by the appointment of two additional Justices. However, at that stage it was thought advisable to make some alteration as regards majority decisions on questions affecting the constitutional powers of the Commonwealth, which obviously include questions affecting the Commonwealth and the States, as to whether the Commonwealth Parliament has power to legislate upon certain matters, as to whether there is conflict between Commonwealth and State legislation, or as to whether a State has exercised certain powers in conflict with those of the Commonwealth. Parliament accordingly passed a law providing that in a Full Court consisting of less than all the Justices no decision should be given on matters affecting the constitutional powers of the Commonwealth unless a majority of all the Judges concurred in it. In other words, although there might be six or seven Justices sitting in the Full Court, at least four Justices had to be in agreement.

Mr. RYAN.—Why was that alteration made?

Mr. GROOM.—Previously decisions had been given by a simple majority when the strength of the Bench was smaller; but, having increased the number up to seven, it was thought advisable to provide that four Judges must be in agreement in giving any decision affecting the constitutional powers of the Commonwealth. It must not be forgotten that Justices get leave of absence from time to time, but there is no power to appoint a Deputy Justice of the High Court. If it is wished to add to the Bench while any Justice is absent, a Justice of the Court must be appointed. At present, Mr. Justice Powers is away on leave of absence, but even before he went away the Court found itself hampered in carrying on its work because of the provision of the Act requiring decisions on such constitutional matters to be given by four Justices.

Sir ROBERT BEST.—Particularly when two Justices are constantly engaged in the Arbitration Court.

Mr. GROOM.—Yes. The difficulty arose at the beginning of this year in connexion with a judgment given quite recently as to the extent to which the Commonwealth could by its legislation interfere with State instrumentalities. Three Justices were of one opinion, and three were of a different opinion, and ultimately Mr. Justice Starke had to give up his work in Melbourne to go to Sydney to take part in the case. In addition to their Full Court work, matters arising under the original jurisdiction of the High Court have to be dealt with, and the Justices are also exercising powers for the Commonwealth under the Lands Acquisition Act. There has already been one very important case in connexion with the east-west railway, which necessitated a Justice being away from Victoria for a considerable time. Then there is the work cast on the Justices under the arbitration laws. Consequently it has been found very difficult to get the necessary quorum for a sitting of the Full Court. Furthermore, the Justices must have leave of absence occasionally. Mr. Justice Powers, who is returning shortly, thoroughly deserved his leave, being almost broken in health by the continuous strain of attention to arbitration duties; but Mr. Justice Isaacs, who has not had a holiday since his appointment in 1906, is now going on leave, so that there will still be only six Justices in active employment. It is not desirable to appoint an additional Justice, and, therefore, the obtaining of the quorum, required under existing law, to constitute a Court for the decision of constitutional questions has become a practical difficulty, and it has been suggested that the Act might be amended by allowing such questions to be decided by a judgment concurred in by three Justices. It does not necessarily follow that every constitutional question will be decided by three Justices only. It is certain that on any big issue arising, involving a reconsideration of the fundamental provisions of the Constitution or a revision of very important judgments, the Chief Justice would convene as large a Court as he could get. It sometimes happens, however, that cases which involve the constitutional powers of the Commonwealth are not of such great importance. In the proposed amendment it is sought to enable the Court to carry on its functions expeditiously. Obviously, it would not do to give to one party alone any special rights in this matter. It will be found that the concurrence of three Justices is a sufficient guarantee for a proper interpretation of the Constitution. If a case on appeal from a State Supreme Court, or from a decision of a Justice of the High Court, is being heard by six Justices, and the Court is equally divided, the rule is that the decision appealed from is confirmed; but in every other case the opinion of the Chief Justice, or, in his absence, that of the senior Justice present, prevails, because finality must be attained. For many years constitutional questions were decided according to the judgment of two Justices, who gave very important and fundamental decisions.

Mr. BRENNAN.—Some persons say that in those days one Justice made all the decisions.

Mr. GROOM.—Many of those who said that were actuated by unkindly feelings. It will be a good thing for Australia if she never has Judges whose standard is lower than that of the first three Justices of the High Court of the Commonwealth. Australia was very fortunate in them. They were men of the

highest integrity, greatest ability, profound learning, and strictest impartiality, who, when feeling was pretty warm, kept the balance even and dealt fairly between contending parties. They have left a magnificent tradition, which I hope will long influence the Judiciaries of Australia.

Mr. MAXWELL.—Under the Bill, if there are three Justices adjudicating on a constitutional question, they must be unanimous.

Mr. GROOM.—Yes.

Question so resolved in the affirmative.

Bill read a second time.

In Committee:

Clause 1 agreed to.

Clause 2—

Section 23 of the principal Act is amended by omitting from sub-section (1) thereof the words "unless a majority of all the Justices concur in the decision," and inserting in their stead the words "unless at least three Justices concur in the decision".

Section proposed to be amended—

23 (1) *A Full Court consisting of less than all the Justices shall not give a decision on a question affecting the constitutional powers of the Commonwealth, unless a majority of all the Justices concur in the decision.*

Mr. McWILLIAMS (Franklin) [8.23].—With all deference to the Minister (Mr. Groom), I hold that his explanation amounted to an argument in favour of increasing the number of Justices of the High Court. So far as I can gather, the only reason for the proposed change is that the present Justices are overworked. It must be remembered that there is absolutely no appeal from the decision of the Court in constitutional cases, although from time to time issues vitally affecting a State may arise through a conflict between Commonwealth and State authorities. I can conceive of no more serious questions coming before the Court than those affecting the respective rights of the Commonwealth and a State. In other countries where there has been a surrender by States to a Federal Government, difficulties have arisen, and we know that a difference between a large and powerful State and the Commonwealth might become very serious. It was not enough for the Minister to say that in a very important case more than three Justices would sit. To legislate on the word of the Minister in charge of a Bill is always a most dangerous procedure. It is not the speech of the Minister, but the wording of the Act, that declares what is the law. In matters affecting the sovereign rights of the States, we should require a better reason than the convenience of the Justices of the High Court for an alteration of the existing law regarding the adjudication of constitutional cases; and unless a better reason is given, the Committee should hesitate about agreeing to the proposal of the Government.

Mr. RYAN (West Sydney) [8.27].—The remarks of the honorable member for Franklin (Mr. McWilliams) should be replied to by the Minister (Mr. Groom). At the present time, four Justices of the High Court must concur before a law can be declared unconstitutional, and the Minister has given no reason why this arrangement should be departed from. It may be that some representation on the subject has been made by the High Court. If so, the Committee should be favoured with it. I quoted, earlier in the day, the reasons given by the Prime Minister (Mr. Hughes) for requiring a majority of the whole of the Justices of the Court before a law could be declared invalid. He said—

The law ought to be declared unconstitutional only when it is obviously so. This can be clearly indicated only when a majority of Justices of the High Court is of the opinion that it is unconstitutional. Then nothing further can be said. But the people and Parliament have a right to complain if their deliberate enactments are set on one side, although a majority of the Justices of the High Court is not of the opinion that it is unconstitutional.

Those reasons hold as strongly to-day as when they were uttered, unless in the practical working of the Act something has occurred which makes it inconvenient to proceed under it. Perhaps the Minister will be good enough to explain to us what has happened to make the arguments that I have just read inapplicable.

Mr. BRENNAN.—I think the Prime Minister (Mr. Hughes) should be here to tell us the reason for this change of front on his part.

Mr. RYAN.—He is allowing his colleagues to make the retreat from the position which he took up in 1912.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [8.31].—I have already explained to the Committee the reason why it is necessary to make this amendment of the principal Act. I have pointed out that the reason why it was enacted in 1912 that no decision on questions affecting the constitutional powers of the Commonwealth should be given by the Full Court unless at least four Justices were in agreement, was that the number of Justices of the High Court had been increased from five to seven, and that it appeared at the time desirable to insist upon this requirement. I have also informed the Committee that, up to that time, many decisions on constitutional questions had been given by a majority of two out of three Justices, and in other cases by a majority of three out of five.

Mr. BRENNAN.—Did the Opposition at that time concur in the measure requiring a majority of four out of seven?

Mr. GROOM.—Yes; but they never attempted to make party politics out of a matter affecting the welfare of the country. This Bill originates from the difficulty which the Judiciary has in providing for a Court with the majority required.

Mr. MCWILLIAMS.—That is really no argument for the proposed change.

Mr. GROOM.—Quite so; I am merely explaining the origin of the Bill. All that we are now proposing is that, on constitutional questions, it shall be sufficient if at least three Justices concur in the decision. That is a safe proposition for the Committee to accept. It does not follow that the Full Court will always be constituted of three, or even five, Justices. As many Justices as are available are always summoned. The Attorney-General has no right to interfere with the administration of justice except to assist the Judiciary to carry out its duties by providing the necessary conveniences. He has no power to determine what the constitution of the Court shall be. That is a matter for the Justices themselves to decide in accordance with the regular practice of the Judiciary.

Mr. RYAN.—Has the Court made representations as to this matter?

Mr. GROOM.—I have already explained that this proposal arises from difficulties in which the Court has been placed, and to which the attention of the Government has been drawn. There is great pressure of business awaiting the attention of the Court, and this measure is therefore one of urgency. The Justices of the High Court are very busy, and it is to expedite their work that this action is being taken. The Committee has simply to decide whether a decision concurred in by three Justices shall be accepted in matters involving the interpretation of the Constitution.

Mr. RYAN.—There might be three on each side.

Mr. GROOM.—In that case the decision would rest with that section which included the Chief Justice.

Mr. WEST.—Why should not Parliament decide all constitutional questions?

Mr. GROOM.—Parliament is very wise, but in all humility I suggest that the Justices of the High Court are better fitted to deal with them. In many instances, it may not be found necessary to constitute a large Court, but in all serious cases fundamentally affecting the rights of the States or the Commonwealth the House may rest assured that the full Bench will be convened.

Mr. BRENNAN (Batman) [8.35].—I would not for the world embarrass the Minister (Mr. Groom), especially when the circumstances *ipso facto* are somewhat inconvenient for him. When speaking to the motion for the second reading of the Bill, in a spirit of generosity to the honorable gentleman, I ventured to point out that apparently the Government were now amending the constitution of the High Court—the highest tribunal in the land, exercising immensely serious functions—merely to fit in with the convenience of certain Justices on leave. That, I suggest, is a very light and airy way of treating this tribunal. I have some recollection that when, in 1912, a Labour Government introduced a measure increasing the number of Justices of the High Court it did not receive very much support or assistance from the present Ministerial party who were then in Opposition. We now find the Minister for Works and Railways, who was then one of the leaders of the Opposition, bringing in a Bill to restore the *status quo*, and the Prime Minister (Mr. Hughes), who was the controlling or dominant mind in effecting the change in 1912, is not here to say a word either in excuse or justification for the change

of front. It may be that three Justices are sufficient to decide any question, but it is idle to spin from one point of this argument to the other just as one is found for the time being to be untenable. It is idle to tell us that this alteration is being made merely because the Bench has been reduced in numbers by the fact that certain members of it are away, and then, when it is pointed out that that is an almost flippant reason for effecting such a change, to inform us that in any case the number provided for under this clause is sufficient, although the Prime Minister himself was most emphatic in declaring that it was not. That is an inconsistency which the Government might well clear up. They might well have given the reasons from the present Government's stand-point as distinguished from the stand-point of the Opposition in 1912, for this retrogressive move on their part.

Mr. WEST (East Sydney) [8.40].—My view on this question differs from that of many honorable members. When Federation was brought about it was decided, with the idea of pleasing as many of the people as possible, that the Australian Constitution should largely follow the lines of that of the United States of America. It was thought that in the early years of Federation many disputes would be likely to arise between the Commonwealth and the States, but the object and aims of the Commonwealth are now so well understood that the determination of constitutional questions might very well be referred to a tribunal higher than the High Court—and that is the Parliament itself. This Parliament should be able to settle all such questions. The High Court Justices, after all, in interpreting our laws, always endeavour to find out what was the intention of the Parliament, or else they look up ancient musty volumes recording decisions given before many of us were born. The conditions obtaining when those decisions were given were vastly different from those which now prevail. Some of these decisions were given when the great masses of the people were uneducated. To-day, in most parts of the world, we have an educated Democracy, and they do not wish to be governed by decisions of the musty past. They look upon the Parliament as being likely to best understand their wants. If the Parliament does not know what the people want I am sure the High Court does not. A Judge is often governed in his decisions by his environment. As a rule, a Judge does not keep pace with the times. I agree with all that has been said by the Minister (Mr. Groom) in regard to the first three occupants of the High Court Bench. I had the pleasure of their personal acquaintance, and thus had an opportunity of learning of their ideals. The honorable member for West Sydney (Mr. Ryan)—the east and the west are united in this matter—has pointed out that quite recently the High Court has reversed a long-standing decision on a very important constitutional question. I believe that the Judges of the future are not likely always to agree with decisions given by Judges of to-day. The Prime Minister (Mr. Hughes) is not here to explain this departure from the attitude taken up by him in 1912. After all, what is a legal opinion? If you go into a Court you will find that the gentleman employed on behalf of the defendant is merely engaged in telling the gentleman employed on behalf of the plaintiff that he is not stating the truth, and his legal opponent replies in the same way. That is the essence of the legal trade, for it is only a trade, as I am sure the honorable member for Batman (Mr. Brennan) will agree. I think the time has arrived when all constitutional questions should be settled by Parliament, the members of which understand them quite as well as do the Judges of the High Court.

Mr. McWILLIAMS (Franklin) [8.46].—I must test the opinion of the Committee on this proposal. I therefore move—

That the word "three" (second occurring) be left out, with a view to insert in lieu thereof the word "four."

Mr. RILEY (South Sydney) [8.47].—I hope that the Committee will accept the amendment. Fancy both Houses of this Parliament passing a Bill in the interests of the country, and three Justices of the High Court having the power to say that Parliament has done wrong, and has no authority to pass such a measure.

Mr. Wise.—Should we be any better off if four Judges had that power?

Mr. RILEY.—I think that in such a case a unanimous decision of the High Court should be required. Why should we allow Justices of the High Court, who are only public servants, to say that Parliament has done wrong, and that an Act passed by Parliament is null and void?

Sir JOSEPH COOK.—The Privy Council settles matters for the Empire with a decision of three Judges.

Mr. RILEY.—I am not an Empire worshipper, as the right honorable gentleman is. I believe that we can do things "off our own bat," without looking to the Empire. We are elected to represent the people of Australia, and to make laws for the Commonwealth to the best of our ability. When a law which has been passed by this Parliament is tested in the High Court its validity is decided by men who have not been elected by the people, but have been appointed by a Minister because they happen to be friends of the Government, or may stand at the head of the Bar. Political parties may have appealed to the country in connexion with the passing of a certain law. Its enactment may have received the indorsement of the people, and yet its validity is, under this Bill, to be left to the decision of three Justices of the High Court. We should be more jealous of our rights in this Parliament. I believe that there is safety in numbers, and I, therefore, support the amendment in preference to the clause as it stands. The Government might just as well propose that these matters should be decided by one Judge of the High Court. The principle of the measure is wrong, and as I believe that at least a unanimous decision of the High Court should be required to decide the invalidity of any Act passed by this Parliament, I shall vote for the amendment.

Sir **ROBERT BEST** (Kooyong) [8.50].—By submitting this amendment, the honorable member for Franklin (Mr. McWilliams) practically asks the Committee to negative the clause, because if we adopt the amendment the law will remain as it stands.

Mr. RYAN.—Not necessarily.

Sir ROBERT BEST.—That will be the practical effect of carrying the amendment. The Minister for Works and Railways (Mr. Groom) has already explained that the Bill is intended to deal with a real and practical difficulty. Honorable members are aware of the multifarious duties at present assigned to the Justices of the High Court. With the arbitral and other work assigned to them, there is frequently a serious congestion of business in the High Court, and the Bill proposes a means to overcome some of the difficulty. In view of the high legal standing of the members of the High Court Bench, if three of the Justices out of six—because there are at present only six in the Commonwealth—are agreed, we can rest assured that we shall have the best interpretation of the law, particularly when it is remembered that in the most complicated questions which had to be dealt with in connexion with the early years of Federation, a decision by two Justices was held to be sufficient and inspired much confidence and satisfaction.

Mr. MCWILLIAMS.—They were men of very high standard.

Sir ROBERT BEST.—I admit that, and I am proud to say that we still have men of very high standing on the High Court Bench. Some honorable members are very much concerned about the decision of constitutional questions involving rights between the Commonwealth and the States; and I point out, for their consolation, that Part XII. of the Judiciary Act of 1910 is not affected by this Bill. That particular part of the Act was enacted for the specific purpose of dealing with constitutional questions. It is permissible under it to make a reference to the High Court, and for the Court then to decide whether an Act of this Parliament, or a section of it, is valid or not.

Mr. MCWILLIAMS.—That is permissive; not compulsory.

Sir ROBERT BEST.—When the Court has constitutional questions referred to it, it has the power to deal with such questions, but for that purpose it is necessary that there shall be a full Bench. In case the whole seven Judges happen to be in Australia at the time, each of them must attend. If one happens to be absent, then the other six must attend, and a majority of the Bench, in every probability, would decide the question referred to the Court. In a case of the kind, it is incumbent upon the Court to notify the Attorneys-General of all the States. Each has then the right to be heard in connexion with the constitutional

question involved. I ask honorable members to especially bear that in mind. Further, if there be any association or institution whose interests are involved, and the Court comes to the conclusion that it should be heard, it has the right to notify that institution or association. There was a degree of uncertainty by reason of the conflict of jurisdiction of the Commonwealth and the States, and considerable expense was incurred by private litigants in going to the High Court to decide these important questions. The idea of Parliament in making this provision was that these questions should be decided at the expense of the Commonwealth itself, and then, when a determination was given upon any question, private litigants could proceed in the High Court on the basis of such determination. The idea of Parliament was that important constitutional questions of the character to which I have referred might be inexpensively determined, and there might be some certainty as to the true interpretation of Acts of this Parliament, having regard to the extraordinary complications involved by reason of the conflicting jurisdiction of the Commonwealth and of sovereign States. I point out that under Part XII., to which I have referred, there would be a Full Bench, and a decision upon such questions would not be a decision of three only of the Justices of the High Court, but of a majority of the Full Bench, so that if all seven were in Australia, four would have to be agreed as to the determination of the Court; and if one were absent, the decision of four would still be probable; but if the Bench were equally divided, the Chief Justice would be the deciding factor.

Mr. McWilliams.—Not under this amendment.

Sir ROBERT BEST.—This amending Bill does not affect those questions at all.

Mr. West.—What does it affect?

Sir ROBERT BEST.—It does not affect constitutional questions referred to the Court in the circumstances I have mentioned. In such cases a majority decision is essential in order to make valid the determination of the Court.

Mr. Ryan.—Does the honorable member suggest that if this amending Bill is carried, it will still be necessary in some cases to have four Justices of the High Court concurring in the determination of the Court as to the validity or otherwise of any law?

Sir ROBERT BEST.—What I say is that, where constitutional questions are referred to the Court, if there are seven members of the Court here, a determination of four will be necessary, or if there are only six members here, a determination by four will still be probable, unless the Bench were equally divided, notwithstanding the passing of this Bill.

Mr. Ryan.—Where does the honorable member get that?

Sir ROBERT BEST.—It is a fact.

Mr. Ryan.—I should like to hear the honorable member on the subject.

Sir ROBERT BEST.—If the honorable gentleman will refer to the Judiciary Act of 1910, he will find it provides that—

> Whenever the Governor-General refers to the High Court for hearing and determination any question of law as to the validity of any Act or enactment of the Parliament, the High Court shall have jurisdiction to hear and determine the matter.
>
> The matter shall be heard and determined by a Full Court consisting of all the Justices: Provided that if any of the Justices are absent from the Commonwealth or incapacitated by illness, the matter may be heard and determined by all the other Justices.

Then it is provided that the Attorney-General of each State is to be notified as to the hearing of the matter, and he is entitled to appear, and be represented at the hearing. There is also power to direct that persons interested may be notified if the Court thinks proper to do so. If the Court is of opinion that the interests of an institution or association are involved, it may say that it desires to hear what is to be said on behalf of that institution or association.

Mr. Ryan.—Has there ever been any proceeding under that?

Sir ROBERT BEST.—I do not recall whether there has been or not, but I am pointing out what Parliament provided. I was a member of this Parliament at the time the Judiciary Bill of 1910 was passed, and I know what we had in view. Litigants might be put to vast expense and ultimately discover that some Act, or

part of an Act, was *ultra vires*. Parliament therefore decided to adopt an inexpensive process, at the cost of the Commonwealth itself, of ascertaining the true interpretation of the law, where it was contemplated that the interests of the States might be involved. It is compulsory that the States shall be notified, that the Attorneys-General of the several States shall have the right to appear, and that a majority of the Full Bench, if present in Australia, shall determine the true interpretation. Those provisions referring to constitutional questions are not affected by this amending Bill.

Mr. MAXWELL.—What sections are they?

Sir ROBERT BEST.—Sections 88 to 94. The fears of the honorable member for Franklin (Mr. McWilliams) and the honorable member for Dampier (Mr. Gregory) regarding the rights and interests of the States are not well grounded, because those rights and interests are, to some extent, protected by the terms of the Judiciary Act itself. In the vast majority of matters which come before the High Court, the practical difficulties which have been experienced under the present law, and which have involved serious congestion and delay, will be overcome by the Bill, which I commend to the Committee.

Mr. BLUNDELL (Adelaide) [9.2].—The honorable member for Kooyong (Sir Robert Best) has put before the Committee a provision of the Judiciary Act that has never yet been put into operation. The point he has brought forward in no way touches cases affecting the rights of this Parliament on the one hand and of the States on the other. An important decision has recently been given by the High Court, that State instrumentalities come under the operation of the Commonwealth Conciliation and Arbitration Act. That is a case which materially affects the legislation of this Parliament and the relationship between the Commonwealth and the States. Any similar case materially affecting the powers of the Commonwealth or of the States, and the interpretations of the Constitution, ought to be decided by all the Judges available. I quite agree that in ordinary cases coming before the High Court the Bill meets the situation, but where a case affects the right of this Parliament or of the State Parliaments to enact legislation, we are in duty bound by the compact entered into when the Constitution was framed and accepted by the people, to see that no decision is given except by the majority of the Judges who are available.

Mr. GROOM.—The honorable member speaks of "the majority of the Judges who are available." Six Judges might mean three on one side and three on the other.

Mr. BLUNDELL.—I quite realize that fact, and in such an event the opinion of the side on which the Chief Justice gave his opinion would prevail; but still we should have six men deciding a big constitutional question affecting every man, woman, and child in the Commonwealth. It is not an ordinary case between litigants, but a matter affecting the ambit of our Constitution. If the Minister (Mr. Groom) can satisfy me that the Bill will affect only ordinary cases, leaving the position so far as concerns constitutional matters between the States and the Commonwealth as it now is, I shall vote for it. I am not prepared to vote for a Bill that will put into the hands of three men the power to decide in favour either of the Commonwealth or the States on matters affecting the vital relationship of the Commonwealth and the States under the Constitution.

Mr. GREGORY (Dampier) [9.5].—I do not wish to urge any increase in the number of Justices, because we know the necessity for economy all round. I can see no necessity for increasing their numbers, but the question of the constitutional rights either of the Commonwealth Parliament or of the State Parliaments is of vast importance, and cannot be dealt with lightly. I should be quite prepared to accept the amendment of the Act as advocated by the Minister (Mr. Groom) if we could add words to provide that, where a majority did not agree, an appeal either by the Commonwealth or the States should lie to the Privy Council. I understand that the Full Court can now allow an appeal to the Privy Council on constitutional matters.

Mr. GROOM.—We have no power to alter the Constitution, which provides that constitutional matters shall be determined by our own Judiciary unless

that Judiciary thinks fit to allow an appeal to the Privy Council.

Mr. GREGORY.—It is doubtful if what I was suggesting could be done.

Sir Robert Best.—It is a sound principle that our own affairs should be decided by our own Courts.

Mr. GREGORY.—It struck me that by altering the Judiciary Act in this way we were practically giving one man the right to determine a big constitutional question which might have very far-reaching effects.

Sir Robert Best.—We have done it with great safety in the past.

Mr. GREGORY.—The honorable member spent a good deal of time in quoting the Judiciary Act as to the powers of the Governor-General to refer questions of interpretation to the High Court, but so far not a single question has ever been submitted in that way. I do not like giving to one man the power to decide big constitutional matters. If the Minister assures me that it is not possible to provide for an appeal to the Privy Council where four Judges do not agree, I feel disposed to vote against the clause.

Mr. **RICHARD FOSTER** (Wakefield) [9.10].—The honorable member for Kooyong (Sir Robert Best), if I understood him rightly, told the Committee that a constitutional matter vitally affecting the States would, irrespective of this Bill, require no fewer than six Judges to decide.

Sir Robert Best.—It has to be referred to the full Bench. Every Judge in Australia has to be present.

Mr. RICHARD FOSTER.—If not more than two Judges were absent, the position of the States would be no worse than it is to-day. If six Judges sat, the majority would be four. I am very reluctant to reduce under any conceivable conditions the present powers of the States, and if those powers are not safeguarded I cannot vote for the clause.

Mr. **GROOM** (Darling Downs—Minister for Works and Railways) [9.11].—I refer the honorable member for Dampier (Mr. Gregory) and the honorable member for Franklin (Mr. McWilliams), who suggested that if the Judges were equally divided on a constitutional question, Parliament should, by Act, direct that an appeal should be allowed to the Privy Council, to section 74 of the Constitution, which provides—

> No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.
>
> The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.

There is, therefore, a constitutional prohibition against this Parliament doing anything of the sort. It is fundamental that no appeal shall be allowed except on the conditions laid down in the Constitution. We, therefore, come back to the question, "Ought matters of this sort to be decided by three Judges?" Some honorable members seem to think that would be a serious danger to the States, but if it is a danger to the States it is equally a danger to the Commonwealth. It has been argued that it is a question of one man's opinion against another. Ultimately, of course, that is the case. The Judges have to construe a document. They apply certain rules and interpretations to ascertain what the Constitution means. It is left to their trained judicial minds to decide. If a Judge is away, and there are three Judges on one side and three on the other, then under this clause the judgment that will prevail will be that of the side on which the Chief Justice is. For many years there were only three Judges interpreting the Constitution, but there was no anxiety on the part of the States, and no danger to their rights. In fact, there was no trouble of any kind. Later, there were five Judges, when the decision might be given by three Judges as against two, but nobody raised the question of the danger of three Judges interpreting the Constitution. Then two more Judges were added to the High Court. On one occasion the Judges were equally divided. Honorable members will remember that a Royal Commission was issued, and the Commission called upon the Colonial Sugar Refining Company to answer certain questions, but the company objected, and questioned the validity of the Royal Commissions Act 1902 and 1912. In that case the Judges issued a certificate allowing an appeal to the Privy Council, which held that the Act was, in certain respects, *ultra vires*. I do not know

whether members were satisfied with the judgment of the Privy Council, but I would prefer to intrust the interpretation of the Australian Constitution to the Australian Judiciary. In view of the length of time that this practice has been operative, I think we are perfectly justified in accepting the clause.

Amendment negatived.

Question—That the clause be agreed to—put. The Committee divided.

Ayes	22
Noes	18
Majority	4

AYES.

Best, Sir Robert	Mackay, G. H.
Bruce, S. M.	Marks, W. M.
Cameron, D. C.	Maxwell, G. A.
Cook, Sir Joseph	Poynton, A.
Corser, E. B. C.	Rodgers, A. S.
Fleming, W. M.	Smith, Laird
Greene, W. M.	West, J. E.
Groom, L. E.	Wise, G. H.
Hay, A.	
Hughes, W. M.	*Tellers:*
Jackson, D. S.	Atkinson, L.
Livingston, J.	Marr, C. W. C.

NOES.

Bell, G. J.	McWilliams, W. J.
Blundell, R. P.	Moloney, Parker
Cunningham, L. L.	Page, James
Foster, Richard	Prowse, J. H.
Gabb, J. M.	Ryan, T. J.
Gibson, W. G.	Tudor, F. G.
Gregory, H.	
Hill, W. C.	*Tellers:*
Lazzarini, H. P.	Brennan, F.
Mahon, H.	Riley, E.

PAIRS.

Burchell, R. J.	Watkins, D.
Watt, W. A.	Anstey, F.
Bamford, F. W.	Lavelle, T. J.
Bayley, J. G.	Makin, N. J. O.
Lamond, Hector	Blakeley, A.
Bowden, E. K.	Nicholls, S. R.
Chapman, Austin	Catts, J. H.
Ryrie, Sir Granville	Charlton, M.
Fowler, J. M.	Fenton, J. E.
Higgs, W. G.	Mathews, J.
Jowett, E.	Maloney, Dr.
Story, W. H.	Mahon, H.
Lister, J. H.	McDonald, C.

Question so resolved in the affirmative.

Clause agreed to.

Clause 3—

Section one of the Judiciary Act 1915 is amended by omitting sub-section (4) thereof.

Mr. RYAN (West Sydney) [9.24].—I am opposed to this clause, which seeks to omit from the Judiciary Act of 1915 sub-section 4, which is to this effect—

This Act shall remain in operation during the present war, and for six months thereafter, and no longer.

I am opposed to extending some of the powers given to the Government in the Judiciary Act of 1915. When that Act passed, Parliament thought it sufficient that the power should exist during the war, and for six months afterwards. Now, what are those powers? Among them is power given to the Attorney-General of the Commonwealth in the following terms:—

(1) Notwithstanding anything contained in this part, or any provision of any State law, the Attorney-General of the Commonwealth may file an indictment for any indictable offence against the laws of the Commonwealth in the High Court, or the Supreme Court of a State, without examination or commitment for trial.

(2) Upon an indictment being so filed, the Court, or a Justice or a Judge thereof, may cause a summons to be issued to the defendant to appear at the time and place mentioned in the summons, there to answer the charge mentioned in the indictment, or may issue a warrant for his arrest, and may hold him in custody or admit him to bail.

I object to the Attorney-General being given the drastic power of presenting an indictment against any citizen in the High Court of Australia without going through the formality of having witnesses examined in the ordinary way.

Mr. McWILLIAMS.—It is time that was stopped.

Mr. RYAN.—It is. But now we are asked to extend that power for all time, although when Parliament passed the Act in 1915 it indicated that the power should rest in the hands of the Attorney-General only during the war and for six months afterwards. The Government now say that this limitation should be withdrawn, and, consequently, that power continue to rest in the Attorney-General. I am in favour of ending that at once. If there is to be any trial for an indictable offence in the High Court of Australia, it should take place after an examination of witnesses and committal for trial in the ordinary way.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [9.27].—The object of the clause is to continue the provision made in the Judiciary Act

of 1915 in relation to the original jurisdiction of the High Court. When that Act was originally introduced it had no limitation of time whatsoever. This limitation was put in at the suggestion of the Opposition of the day. The power which it is sought to continue is contained in sections 2 and 3 of the Judiciary Act 1915. The Constitution vests in the High Court original jurisdiction in regard to matters—

(i) Arising under any Treaty;
(ii) Affecting Consuls or other representatives of other countries;
(iii) In which the Commonwealth or a person suing or being sued on behalf of the Commonwealth is a party;
(iv) Between States or between residents of different States, or between a State and a resident of another State;
(v) In which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth.

In addition to those powers so conferred upon the High Court, section 76 of the Constitution provides that the Parliament may make laws conferring original jurisdiction on a High Court in any matter—

(i) Arising under this Constitution or involving its interpretation;
(ii) Arising under any laws made by the Parliament;
(iii) Of Admiralty and maritime jurisdiction;
(iv) Relating to the same subject-matter claimed under the laws of different States.

In 1914 the law was altered to give the Court jurisdiction—in addition to matters arising out of the Constitution, or involving its interpretation—in questions relating to Admiralty or maritime jurisdiction. Another additional power was given in the Act of 1915, in relation to trials for indictable offences against the laws of the Commonwealth. It was felt that the High Court, which is a specially constituted body for exercising the judicial powers of the Commonwealth, should have jurisdiction in trials of indictable offences against the laws of the Commonwealth. The honorable member for West Sydney (Mr. Ryan) objects to the High Court having the power in relation to indictable offences against the laws of the Commonwealth.

Mr. Ryan.—I do not object to that.

Mr. Groom.—It has been sparingly used for the reason that the exercise of criminal jurisdiction is a matter for the State Courts. Such Courts sit in many parts of the Commonwealth, and cases ought, as a rule, to be tried where the offences are committed. For that reason jurisdiction is given to the State Criminal Courts all over Australia. That is the usual practice, but at the same time, in two or three important instances, it was considered advisable to invoke the aid of the High Court. There was a case in Sydney in connexion, I believe, with contracts for supplies to the Defence Department. There was also another important case in connexion with trading with the enemy.

Mr. Ryan.—Were persons not committed for trial?

Mr. Groom.—I am not sure whether they were or not, but that does not matter. Every State Attorney-General has the power to present *ex officio* information, and should not the Commonwealth be placed in a similar position?

Mr. Maxwell.—It is very seldom, if ever, exercised.

Mr. Groom.—Exactly; but it is a power the Attorney-General of the Commonwealth ought to have.

Mr. Ryan.—I do not think so.

Mr. Groom.—If the honorable member was over here, he would say we ought to have it.

Mr. Ryan.—No.

Mr. McWilliams.—And if the Minister was on the Opposition benches, he would object.

Mr. Groom.—No; when we were over there, we did not object.

Mr. McWilliams.—It was passed as war legislation only.

Mr. Groom.—It was not introduced as war legislation; but that is what this House made it. We have to consider whether this reserve power should remain, and I strongly urge that it should. What is the position in the other States in connexion with this power to which objection is taken? In South Australia, the power is conferred by the Criminal Law Consolidation Act, section 334; in Western Australia by the Criminal Code, and in Queensland by the Criminal Code. The honorable member for West Sydney says that a State Attorney-General should not possess that power, and if such is the case, why did he not repeal

it in Queensland when he was Attorney-General? It is possible, of course, that his attention had not been directed to it. It is a power which the Attorney-General of the Commonwealth should have.

Mr. RYAN.—I do not think so.

Mr. GROOM.—In Tasmania, power is given under the criminal law, and in Victoria under the Crimes Act, section 390. Power is given under the State laws, and this reserve power to file indictments should be given to the Attorney-General of the day. I may remind the honorable member that the State Attorneys-General exercise functions for us, and, on the whole, our relations have been most harmonious and satisfactory; but it is not advisable that, in all cases, the Commonwealth should have to depend upon a State Attorney-General for the enforcement of its laws.

Mr. RYAN.—I did not suggest that it was.

Mr. GROOM.—I did not suggest it, but the honorable member did. I do not think such a position is a desirable one in which to place the Commonwealth, as there always ought to be reserve power vested in the Commonwealth to exercise these functions in cases of national emergency, and it is only for this reason that the provision is embodied in the Bill.

Mr. RYAN.—National emergencies!

Mr. GROOM.—I do not mean war emergencies only, as there are others in the administration of justice where the Government of the day, through its Attorney-General, should be armed with the necessary powers to enforce law and order in the community. That is all I am asking for. It is only a question of conferring on the Executive the authority to enforce and administer laws of the Commonwealth; and under the circumstances, I cannot see my way clear to accept any amendment.

Mr. RYAN (West Sydney) [9:36].—I listened to the statement of the Minister for Works and Railways (Mr. Groom), but, unfortunately, he has not touched upon the point with which I dealt. I did not object to the Attorney-General having the power to enforce the laws of the Commonwealth through the High Court. What I did object to was giving the Attorney-General the right to file an indictment in the High Court of Australia without a preliminary inquiry and a committal for trial before evidence was called.

Mr. GROOM.—The States have that power.

Mr. RYAN.—I do not say that they should have it. It is very desirable, in such cases, that there should be a preliminary inquiry, and witnesses called, as in an ordinary committal for trial. I cannot conceive of a situation arising where it is necessary for the Attorney-General to file *ex-officio* information.

Mr. MAXWELL.—If a Justice discharged a case it would not go on.

Mr. RYAN.—I am not in favour of a man being placed in a dock without having any idea of who is to give evidence. He would not know if those who had given evidence were liars or not, and he would not have any opportunity of testing evidence. If there is a preliminary inquiry, and witnesses are sworn, he is able to prepare his defence.

Sir JOSEPH COOK.—The honorable member wants to make more work for the lawyers.

Mr. RYAN.—That may be the way the question presents itself to the Treasurer, but I have a vivid recollection of the way in which the Commonwealth Government once enforced what they called justice, and I am not prepared for one moment to continue the power that is given here to the Attorney-General to present *ex-officio* information in the High Court without first having a preliminary inquiry and giving the defendant an opportunity to prepare his case. It is a most unfair proposition, and I do not care whether every State Attorney-General has the power or not, as there should be a preliminary inquiry, and every person charged should have an opportunity of testing the evidence tendered against him. There is no doubt that a State Attorney-General has the power.

Mr. BRENNAN.—I do not think it ever arises in the States, except in cases where there has been a preliminary inquiry.

Mr. RYAN.—I do not think it does.

Mr. GROOM.—I think it has.

Mr. RYAN.—I do not know of any instances. As Attorney-General in Queensland I never dreamed of exercising the powers I possessed in that direction, and it is a power that I did not want, and one that I would like to be removed. I know it is a power that the present Prime Minister, as Attorney-General (Mr. Hughes), threatened to

exercise and hold *in terrorem* over individuals.

Mr. Groom.—I think the honorable member is wrong.

Mr. RYAN.—I am not.

Mr. Groom.—For indictable offences.

Mr. RYAN.—Yes, and I was one that he threatened to deal with. His statement to the Court was that he had no evidence to tender, but the Attorney-General would file an *ex-officio* information in the High Court of Australia. He was not game enough to do it. A man might be placed upon trial for an indictable offence, and would not have the opportunity of testing the evidence.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [9.42].—The Queensland Criminal Code, which is representative of the State law, was drafted by one of our greatest jurists, the late Mr. Justice Griffiths. Section 561 reads—

> A Crown Law Officer may present an indictment in any Court of criminal jurisdiction against any person for an indictable offence, whether the accused person has been committed for trial or not. An officer appointed by the Governor in Council to present indictment in any Court of criminal jurisdiction may present an indictment in that Court against any person for an indictable offence within the jurisdiction of the Court, whether the accused person has been committed for trial or not.

That is the position. Cases may have arisen where there has been a preliminary inquiry, and where the magistrate, through a lack of appreciation of the position, may have refused to commit for trial. Under those circumstances, there should be a means whereby the case may be brought before the highest authorities.

Mr. Brennan.—When a preliminary inquiry has been held.

Mr. GROOM.—I admit that. The Attorney-General is in a position to do that, and the reserve power that is vested in every Executive is very rarely used. It is only right that it should not be used except on the strongest grounds, and in the interests of the public.

Mr. Ryan.—But you do away with the preliminary inquiry altogether.

Mr. GROOM.—No.

Mr. Maxwell.—You are not giving a man a right to a preliminary inquiry.

Mr. GROOM.—He has not, in all cases, that right under the State law. A section of the 1915 Act reads—

> Notwithstanding anything contained in this Part, or any provision of any State law, the Attorney-General of the Commonwealth may file an indictment for any indictable offence against the laws of the Commonwealth in the High Court or the Supreme Court of a State, without examination or commitment for trial.

Mr. Ryan.—That is not in the State law.

Mr. GROOM.—Yes, whether committed for trial or not.

Mr. Ryan.—You say without examination of witnesses.

Mr. GROOM.—That power exists in some States. This is a reserve power which the Commonwealth Attorney-General ought to possess, and I do not intend to argue the matter any further.

Mr. McWILLIAMS (Franklin) [9.45].—If my memory serves me accurately, this provision was inserted in the principal Act because honorable members deemed that it conferred a proper power in time of war, though it was not a power which should be continued after the war had ceased.

Sir Joseph Cook.—The House never said anything of the kind.

Mr. McWILLIAMS.—Then, why was the provision placed in the Act?

Sir Joseph Cook.—Because the power was asked for as a war power, and because I thought that such powers should be reviewed at the end of the war.

Mr. McWILLIAMS.—What is the use of the Treasurer (Sir Joseph Cook) attempting to mislead honorable members? When the principal Act was before us this limiting power did not exist.

Mr. Groom.—It was introduced as a general provision. The then Leader of the Opposition suggested that it would be wise to review our war powers at the end of the war, and to retain only such of them as had proved to be advantageous.

Mr. McWILLIAMS. — This House limited the power of which I speak to the war period. It was upon the motion of the then Leader of the Opposition (Sir Joseph Cook) that its operation was restricted to six months after the war, at the end of which period it was to be reviewed.

Sir Joseph Cook.—Yes.

Mr. McWILLIAMS.—The earlier we abolish all our war measures, and return to our normal legislative powers, the better it will be for all concerned.

Mr. RICHARD FOSTER.—Thank God, the honorable member is not in a majority!

Mr. McWILLIAMS.—Does the honorable member for Wakefield suggest that our war legislation should be continued?

Mr. RICHARD FOSTER.—Some of it should be continued for all time.

Mr. McWILLIAMS.—This is one of the legislative provisions which should not.

Mr. RICHARD FOSTER.—It is one which should be continued.

Mr. McWILLIAMS.—That is where we agree to differ.

Mr. WISE.—What about the moratorium, which the honorable member desired to see extended?

Mr. McWILLIAMS.—When this pack of dingoes has ceased its cry I shall have a chance to continue my remarks. The Bill proposes to give power to the Attorney-General to hale men before the High Court without giving them a chance of first knowing what they have to answer there. That does not accord with the principles of British justice.

Mr. WISE.—A similar provision obtains in every State.

Mr. McWILLIAMS.—It does not. The provision which has been quoted from a Queensland Act means that where a man has been brought before a Court, and the Bench has refused to commit him, the Government are not deprived of their right to proceed further against him. What, then, becomes of all the nonsense that is being talked here?

Sir JOSEPH COOK.—The honorable member is a good judge of nonsense.

Mr. McWILLIAMS.—I appeal to the honorable member for West Sydney (Mr. Ryan) to say whether my statement is not accurate.

Sir JOSEPH COOK.—This coalition between the honorable member for Franklin and the honorable member for West Sydney is most touching.

Mr. McWILLIAMS.—It was only at the last sitting of the House that we had a most affectionate alliance between the Prime Minister (Mr. Hughes) and the Leader of the Opposition (Mr. Tudor) in regard to the rights of the Senate. However, that is by the way. This Bill provides that the Crown may make a charge against a man without any preliminary inquiry whatever. The power which is sought to be given under this measure, and which may have been a necessary power during the war period, is far more wide-reaching than that which obtains in any State Act. The earlier our war measures are repealed, the better it will be for all concerned.

Mr. BRENNAN (Batman) [9.55].—It is very clear that in the hands of any Attorney-General, and notably in those of the present Attorney-General, this proposed amendment may well become a very dangerous instrument of injustice. It is quite true that there has always resided in the Attorneys-General of the various States, and especially in the Attorney-General of Victoria, the power to file a presentment against a person who has been discharged upon a preliminary inquiry, either before magistrates or justices, or a Court of Petty Sessions. The reason is a very obvious and a very proper one. It may well be that an inferior Court may, for one of a host of reasons, have failed in its duty in regard to the committal of an accused person upon, perhaps, a very grave charge. In such circumstances, it is a useful safeguard that the Government should be able to act through its Attorney-General, and to place such a person upon his trial. But such a person has already come before some tribunal, and at least a *primâ facie* case has been disclosed against him, and witnesses have been subjected to cross-examination. In the amendment which is now before us, it is proposed that the Commonwealth Attorney-General may immediately, and without notice, file a presentment and bring a defendant for trial before the High Court for any offence which is covered by the Statute. What does that mean? It means that all the elaborate machinery of the High Court may be put into operation in respect of a charge which never should have been laid at all, and which, upon a preliminary investigation, might have fizzled out altogether. No injustice can be done by withholding this arbitrary power from the Attorney-General. There are ample means by which the Government, either by warrant or summons—one of the methods so frequently used by the Attorney-General and his officers during the tragic war period—may bring any accused person before an inferior tribunal for examination. In the absence of the

power which it is proposed to confer, there is no danger of any such person escaping the consequences of his actions. The law may still be set in motion, and if an inferior tribunal fails to commit him for trial, there will still be power to file a presentment, notwithstanding that the charge against him may have been dismissed in the first instance. What more is demanded except it be a special power on the part of the Attorney-General to strike his blow suddenly and quickly, and to get the accused person convicted before he realizes the nature of the charge that is preferred against him? I do not know why the honorable member for Wakefield (Mr. Richard Foster) feels so strongly upon this matter.

Mr. Richard Foster.—I do.

Mr. BRENNAN.—I did not know that his experience of litigation was so ripe that he had any particular case in his mind. If he has, I invite him to mention it, and to show how anything less than full justice can be done in the absence of this amendment. During the whole history of responsible government in the various States, there has not been a single instance in which the latent power to file a presentment, which is presumed to exist in the Attorney-General, has not, when the occasion demanded it, been exercised. Seeing that this power was one which was, with apologies, taken in time of war for war purposes, subject to review at the end of the war, I venture to ask what is now the object in not reviewing so much as renewing this special war-time power? Has any need for it arisen? Can the Minister (Mr. Groom), or any of his colleagues or supporters, suggest a case which might arise in regard to which full justice might not be given under the law as it now stands?

Sir Joseph Cook.—Are we taking any powers which any of the States now possess?

Mr. BRENNAN.—The Government propose to take a power which is really additional to the powers already possessed by the States.

Sir Joseph Cook.—Are we taking any greater powers than the States have now?

Mr. BRENNAN.—Yes; because the difference between the Commonwealth Government and the States is that the States have their machinery already, and their regular course of procedure is through their inferior tribunals——

Sir Joseph Cook.—As ours will continue to be.

Mr. BRENNAN.—They continue to operate from the inferior tribunal to the Supreme Court, if necessary, and from there—it may be—to the High Court. And that is the proper order of procedure, instead of attempting to take a short cut as is here proposed, namely, to the High Court.

Sir Joseph Cook.—That is not the intention.

Mr. BRENNAN.—The question of intention does not enter except in so far as we are entitled to ask what is to be gained by this proposed amendment that cannot be gained under the law as it stands. On the other hand, I have shown that injustice may be done under it. I invite the Minister to show in what way injustice may be done by the law being left as it is. If he can show me any injustice which is being done to the public, or to any person in particular, I shall be satisfied to accept the amendment. But, as I have shown him that great injustice will be done by accepting the amendment, and that none will be done by pursuing the contrary course, I hold that it is fair for him not to press the proposal.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [10.3].—I refer the honorable member for Franklin (Mr. McWilliams) to section 4 of the Tasmanian criminal law.

Mr. Ryan.—What is the date of that Statute?

Mr. GROOM.—The measure was enacted in August, 1855.

Honorable Members.—Oh!

Mr. GROOM.—Honorable members are presumably finding fault with a Statute of 1855 when, for weeks past, they have been prating about *Habeas Corpus* and *Magna Charta*. I am about to quote the law as it exists in Tasmania to-day, and that is the essential consideration. In section 4 the words are employed, "Such person shall, without further inquiry or examination," be committed for trial. The circumstances have to do with a person being arrested and brought before a magistrate without examination or trial. Section 334 of the South Australian

Criminal Law Consolidation Act 1876 states—

> Any person may be put upon his trial at any criminal session of the Supreme Court for any crime or offence whatsoever, upon an information presented to the said Court in the name and by the authority of Her Majesty's Attorney-General of the province aforesaid, and every provision of the common law and of Acts of Parliament for the time being in force within the said province relating to indictments and to the manner and form of pleading thereto and to the trial thereon, and generally to all matters subsequent to the finding of the indictment, shall apply to any information to be so presented as aforesaid.

Mr. RYAN.—There is nothing in that.

Mr. GROOM.—It conveys an absolute and direct power. In the Victorian Crimes Act 1890, section 388 refers to powers with regard to presentments; and section 390 states—

> Nothing herein contained shall in any manner alter or affect the power which Her Majesty's Attorney-General possesses at common law to file by virtue of his office an information in the Supreme Court.

The authorities are complete. I move—

> That the following words be added:—"and that Act shall continue in force as if that sub-section had not been enacted."

Mr. RYAN (West Sydney) [10.8].—What is the reason for the amendment?

Mr. GROOM.—It is a drafting amendment, intended to make clear the intention of the continuance of the Act of 1915.

Mr. RYAN.—That makes my objection to it the stronger. Apparently, the Government think it necessary to emphasize that this power continues. I do not want references to Acts passed in 1855, or in 1890, or in any previous year. This Parliament should be competent to face for itself the question which arises in this clause. Are we going to stand still or to advance?

Mr. GROOM.—Or to retrogress? For that is the honorable member's idea.

Mr. RYAN.—The Minister is retrogressing, judging by the clauses to which he desires us to agree. He has mentioned several early Acts, among them those of Tasmania and South Australia, which set forth a common law power such as the Attorney-General possesses by virtue of his office. But I do not think that in these days the public will stand for placing it within the power of any individual, whether he be the Attorney-General or not, to put a man upon his trial without giving him some opportunity for preparing his defence. If this power is granted, persons can be deprived of the right to be in a position to properly prepare a defence. I am not willing that that right shall be taken away. This is the National Parliament. We should lead the way rather than be referred to enactments such as that passed in Tasmania, for example, in 1855. I wonder what sort of a Parliament existed in those days. It was certainly not a very progressive body. Numbers of the sections which the Minister has quoted were passed with the concurrence of Legislative Councils, which are quite out of date, and not in accord with the political views held to-day.

I think the existing law with regard to trials might be amended. There should be a sweeping amendment effected by this Parliament to provide that cases of defamation should be heard before common juries, and not before special panels selected by the friends of honorable members opposite. We want to take away the advantages enjoyed by the capitalistic forces of the past, and to broaden and democratize our Courts. With that object in view, I oppose the amendment.

Amendment agreed to.

Question—That the clause, as amended, be agreed to—put. The Committee divided.

Ayes	.. ..	27
Noes	.. ..	12
Majority	.. ..	15

AYES.

Atkinson, L.	Hay, A.
Bell, G. J.	Jackson, D. S.
Blundell, R. P.	Livingston, J.
Bruce, S. M.	Mackay, G. H.
Cameron, D. C.	Marks, W. M.
Cook, Sir Joseph	Maxwell, G. A.
Cook, Robert	Poynton, A.
Corser, E. B. C.	Prowse, J. H.
Foster, Richard	Rodgers, A. S.
Francis, F. H.	Smith, Laird
Gibson, W. G.	Wise, G. H.
Greene, W. M.	*Tellers:*
Gregory, H.	Fleming, W. M.
Groom, L. E.	Marr, C. W. C.

NOES.

Brennan, F.	Ryan, T. J.
Cunningham, L. L.	Tudor, F. G.
Gabb, J. M.	West, J. E.
Hill, W. C.	
Lazzarini, H. P.	*Tellers:*
McWilliams, W. J.	Mahony, W. G.
Moloney, Parker	Riley, E.

PAIRS.

Burchell, R. J.	Watkins, D.
Watt, W. A.	Anstey, F.
Bamford, F. W.	Lavelle, T. J.
Bayley, J. G.	Makin, N. J. O.
Lamond, Hector	Blakeley, A.
Bowden, E. K.	Nicholls, S. R.
Chapman, Austin	Catts, J. H.
Ryrie, Sir Granville	Charlton, M.
Fowler, J. M.	Fenton, J. E.
Higgs, W. G.	Mathews, J.
Jowett, E.	Maloney, Dr.
Story, W. H.	Mahon, H.
Best, Sir Robert	McDonald, C.
Hughes, W. M.	Considine, M. P.

Question so resolved in the affirmative.

Clause, as amended, agreed to.

Amendment (by Mr. GROOM) agreed to—

That the following new clause be added:—

"(4) After section 33 of the principal Act the following section is inserted:—

33A. The High Court may, by order, direct that an award in an arbitration in respect of any matter over which the High Court has original jurisdiction, or in respect of which original jurisdiction may be conferred upon the High Court, shall be a rule of the High Court."

Mr. GROOM (Darling Downs—Minister for Works and Railways) [10.17].—I move—

That the following new clause be added:—

"(5) Section 68 of the principal Act is amended—

(*a*) by inserting in sub-section (1) thereof, after the word "shall," the words "subject to this section"; and

(*b*) by adding at the end thereof the following sub-section:—

(4) The several Courts of a State exercising the jurisdiction conferred upon them by this section shall, upon application being made in that behalf, have power to order, upon such terms as they think fit, that any information laid before them in respect of an offence against the laws of the Commonwealth shall be amended so as to remove any defect either in form or substance contained in that information."

In South Australia there is no power, under the State law, to amend slight defects in substance or form in summonses heard before inferior Courts; and, as section 68 vests all jurisdiction in criminal matters in State Courts, we desire to have this amendment made in order to bring the inferior Courts of South Australia into line with those of other States.

Proposed new clause agreed to.

Mr. TUDOR.—The honorable member for Melbourne (Dr. Maloney) has given notice of his intention to move a new clause. In his absence, I desire to move it.

The CHAIRMAN (**Hon. J. M. Chanter**).—I have looked at the proposed new clause, and find that it has no relevance to the Bill.

Mr. TUDOR.—Then the honorable member would not have been allowed to move it if he had been here?

The CHAIRMAN.—No.

Title agreed to.

Bill reported with amendments.

Standing Orders suspended, and report adopted.

Bill read a third time.

HIGH COURT PROCEDURE BILL.

SECOND READING.

Mr. GROOM (Darling Downs—Minister for Works and Railways) [10.20].—I move—

That this Bill be now read a second time.

This measure is consequential upon the amendment of the Judiciary Act which we have just passed. The High Court Procedure Act of 1915 provided for the trial of indictable offences, but its operation was limited, and it is now proposed to continue the Act in force as if that limitation had not been enacted.

Mr. RYAN.—Is this an amendment of the general Procedure Act of the High Court?

Mr. GROOM.—The Act of 1915 amended the general Procedure Act by providing for the trial of indictable offences and the application of the State laws. It is now proposed to make that Act permanent. At the same time it is provided that the precepts for the jury shall be issued by the principal registrar or a district registrar of the High Court, and it is also proposed that every judgment debt shall carry interest.

Mr. RYAN (West Sydney) [10.25].—I hope that the measure will not be rushed through at this late hour, because honorable members should have an opportunity of considering what other

amendments of the principal Act may be necessary.

Mr. GROOM.—The Bill has been circulated for some time, but notice has not been given of any amendments.

Mr. RYAN.—I will soon give notice of amendments.

Mr. GROOM.—I speak of amendments which may reasonably be expected to assist honorable members.

Mr. RYAN.—My amendments may be reasonably expected to improve the principal Act. That Act provides that the jury laws of the States shall apply to the trial in the High Court of indictable offences, and also of civil cases, and I think it is time that we determined the qualification of jurors. The laws of the States are antiquated, but it is difficult to amend them, because the approval of conservative Chambers has to be obtained for any alteration.

Mr. GROOM.—If I get the second reading I shall not go further to-night.

Mr. RYAN.—I do not wish to delay the second reading of the measure, but I ask the Government to seriously consider other amendments of the principal Act. There should be a uniform method for the selection of juries for the trial of cases in the High Court. At the present time, when a trial occurs in Melbourne, the jury is selected from a special jury, with a property qualification of a very high value; but in Sydney the procedure is different, and in Brisbane it is different again. There should be uniformity, and the choice of jurors should be widened as much as possible and democratized. It is from the electoral rolls that we should choose our juries, and not in accordance with the old Tory Acts of the States. I shall move in that direction in Committee.

Question resolved in the affirmative.

Bill read a second time.

In Committee:

Clause 1 agreed to.

Progress reported.

ADJOURNMENT.

STATEMENT BY MR. WATT.

Motion (by Sir JOSEPH COOK) proposed—

That this House do now adjourn.

Mr. TUDOR (Yarra) [10.27].—What is to be the business to-morrow?

Sir JOSEPH COOK.—The Budget.

Mr. TUDOR.—I understand that we are to have to-morrow a statement by the ex-Treasurer (Mr. Watt), and a contest between the two "Bills"—"Bill" Watt *versus* "Bill" Hughes—for which there will be a crowded House. One could sell the seats over and over again. I do not act as advance agent for the "scrap," but I should like to know when it will take place, so that I may be here.

Question resolved in the affirmative.

House adjourned at 10.28 p.m.

Members of the House of Representatives.

Speaker—The Honorable Sir Elliot Johnson, K.C.M.G.

Chairman of Committees—The Honorable John Moore Chanter.

Anstey, Frank	..	Bourke (V.)
[3]Atkinson, Llewelyn	..	Wilmot (T.)
Bamford, Hon. Frederick William		Herbert (Q.)
Bayley, James Garfield	..	Oxley (Q.)
Bell, George John, C.M.G., D.S.O.		Darwin (T.)
Best, Hon. Sir Robert Wallace, K.C.M.G.		Kooyong (V.)
Blakeley, Arthur	..	Darling (N.S.W.)
Blundell, Hon. Reginald Pole		Adelaide (S.A.)
Bowden, Eric Kendall	..	Nepean (N.S.W.)
Brennan, Frank	..	Batman (V.)
Bruce, Stanley Melbourne, M.C.		Flinders (V.)
Burchell, Reginald John, M.C.		Fremantle (W.A.)
Cameron Donald Charles, C.M.G., D.S.O.		Brisbane (Q.)
Catts, James Howard	..	Cook (N.S.W.)
Chanter, Hon. John Moore		Riverina (N.S W)
Chapman, Hon Austin	..	Eden-Monaro (N.S.W.)
[3]Charlton, Matthew †	..	Hunter (N.S.W.)
[4]Consid.ne, Michael Patrick		Barrier (N.S.W.)
Cook, Right Hon. Sir Joseph, P.C G.C.M.G.		Parramatta (N.S.W.)
Cook, Robert	..	Indi (V.)
Corser, Edward Bernard Cresset		Wide Bay (Q.)
Cunningham, Lucien Lawrence		Gwydir (N.S.W.)
Fenton, James Edward	..	Maribyrnong (V.)
[3]Fleming, William Montgomerie		Robertson (N.S.W.)
Foster, Hon. Richard Witty		Wakefield (S.A.)
[2]Fowler, Hon. James Mackinnon		Perth (W.A.)
Francis, Frederick Henry		Henty (V.)
Gabb, Joel Moses	..	Angas (S.A.)
Gibson, William Gerrand		Corangamite (V.)
Greene, Hon. Walter Massy		Richmond (N.S.W.)
Gregory, Hon. Henry	..	Dampier (W.A.)
Groom, Hon. Littleton Ernest		Darling Downs (Q)
Hay, Alexander	..	New England (N.S.W.)
Higgs, Hon. William Guy		Capricornia (Q.)
Hill. William Caldwell	..	Echuca (V.)
Hughes, Right Hon. William Morris, P.C., K.C		Bendigo (V.
Jackson, David Sydney	..	Bass (T.)
Johnson, Hon. Sir Elliot, K.C.M.G.		Lang (N.S.W
Jowett, Edmund	..	Grampians (V.)
[5]Kerby, Edw n Thomas John		Ballarat (V.)
Lamond, Hector	..	Illawarra (N.S.W.)
Lavelle, Thomas James	..	Calare (N.S.W.)
Lazzarini, Hubert Peter	..	Werriwa (N.S W.)
Lister, John Henry	..	Corio (V.)
Livingston, John	..	Barker (S.A.)
Mackay, George Hugh	..	Lilley (Q.)
Mahon Hon Hugh	..	Kalgoorlie (W.A.)
Mahony, William George	..	Dalley (N.S.W.)
Makin, Norman John Oswald		Hindmarsh (S A.)
Maloney, William	..	Melbourne (V.)
Marks, Walter Moffitt	..	Wentworth (N.S W.)
Marr, Charles William Clanan, D.S.O., M.C.		Parkes (N.S.W.)
Mathews, James	..	Melbourne Ports (V.)
Maxwell, George Arnot	..	Fawkner (V.)
[1]McDonald, Hon. Charles	..	Kennedy (Q.)
[6]McGrath, David Charles	..	Ballarat (V.)
McWilliams, William James		Franklin (T.)
Moloney, Parker John	..	Hume (N.S.W.)
Nicholls, Samuel Robert	..	Macquarie (N.S.W.)
Page, Earle Christmas Grafton		Cowper (N.S.W.)
Page, Hon. James	..	Maranoa (Q.)
Poynton, Hon. Alexander	..	Grey (S A.)
Prowse, John Henry	..	Swan (W.A.)
Riley, Edward	..	South Sydney (N.S.W.)
Rodgers, Hon. Arthur Stanislaus		Wannon (V.)
Ryan, Hon. Thomas Joseph, K.C.		West Sydney (N.S.W.)
Ryrie, Sir Granville de Laune, K.C.M.G., C.B.		North Sydney (N.S.W.)
Smith, Hon. William Henry Laird		Denison (T.)
Stewart, Percy Gerald	..	Wimmera (V.)
Story, William Harrison	..	Boothby (S.A.)
Tudor, Hon. Frank Gwynne		Yarra (V.)
[3]Watkins, Hon. David	..	Newcastle (N.S.W.)
Watt, Right Hon. William Alexander, P.C.		Balaclava (V.)
West, John Edward	..	East Sydney (N.S.W.)
Wienholt, Arnold	..	Moreton (Q.)
Wise, Hon. George Henry		Gippsland (V.)

1. Sworn 27th February, 1920.——2. Sworn 3rd March, 1920.——3. Appointed Temporary Chairman of Committees, 4th March 1920.——4. Made affirmation, 5th March, 1920.——5. Election declared void 2nd June, 1920.
——† Sworn 11th May 1920.——6. Elected 10th July, 1920. Sworn 21st July, 1920.

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LIBRARY.—The President, Senator Benny, Senator Bolton, Senator de Largie, Senator Gardiner, Senator Keating, and Senator Pratten.

HOUSE.—The President, the Chairman of Committees, Senator Buzacott, Senator J. F. Guthrie, Senator Rowell, Senator Thomas, and Senator Wilson.

PRINTING.—Senator Adamson, Senator Cox, Senator J. D. Millen, Senator Newland, Senator Plain, Senator Reid, and Senator Senior.

PUBLIC ACCOUNTS COMMITTEE (JOINT).—Senator Bolton, Senator Buzacott, and Senator J. D. Millen.

PUBLIC WORKS (JOINT).—Senator Foll, Senator Newland, Senator Plain.

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LIBRARY.—Mr. Speaker, Mr. Anstey, Mr. Fleming, Mr. Fowler, Mr. Higgs, Mr. Lamond, Mr. Mackay, Mr. Maxwell, Dr. Maloney, and Mr. McDonald.

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PUBLIC ACCOUNTS (JOINT).—Mr. Bayley, Mr. Charlton, Mr. Fenton, Mr. Fleming, Mr. Fowler, Mr. Prowse, and Mr. West.

PUBLIC WORKS (JOINT).—Mr. Atkinson, Mr Bamford Mr. Gregory, Mr. Mackay, Mr. Mathews and Mr. Parker Moloney.

SEA CARRIAGE SELECT COMMITTEE.—Mr. Atkinson, Mr. Burchell, Mr. Corser, Mr Foster, Mr. Mahony, Mr. McWilliams, and Mr. Watkins.

Printed and Published for the GOVERNMENT *of the* COMMONWEALTH *of* AUSTRALIA *by* ALBERT J. MULLETT, *Government Printer for the State of Victoria.*